

STATE OF SOUTH DAKOTA)
: ss
COUNTY OF HUGHES)

IN CIRCUIT COURT
SIXTH JUDICIAL CIRCUIT

STATE OF SOUTH DAKOTA,)
)
Plaintiff,)
)
v.)
)
WAYFAIR INC)
4 Copley PL FL 7)
Boston MA 02116-6504)
)
SYSTEMAX INC)
11 Harbor Park Dr)
Port Washington NY 11050)
)
OVERSTOCK.COM INC)
6350 S 3000 E)
Salt Lake City UT 84121-5952)
)
NEWEGG INC)
16839 E Gale Ave)
City of Industry CA 91745)
)
Defendants.)

32 Civ. 16-92

PLAINTIFF'S
NOTICE OF VOLUNTARY
DISMISSAL WITHOUT
PREJUDICE
RE: SYSTEMAX INC.

Pursuant to SDCL 15-6-41(a)(1)(A), the State of South Dakota, by and through its legal counsel, Richard M. Williams, Deputy Attorney General, hereby gives notice of the voluntary dismissal of Systemax Inc. Following service of process in the above-captioned matter Systemax Inc., through its subsidiaries, voluntarily registered with the Department of Revenue and received a sales tax license on May 5, 2016 and May 6, 2016, and immediately began calculating and collecting sales tax from consumers on all sales for delivery into South Dakota on all applicable websites. Accordingly, said dismissal shall be without prejudice and subject to the continued reporting,

collecting, and remission of South Dakota sales tax by the subsidiaries of Systemax Inc. during the pendency of this action, including all appeals.

Dated this 19th day of May, 2016.

**MARTY J. JACKLEY
ATTORNEY GENERAL**

By: /s/ Richard M. Williams

Richard M. Williams
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of *Plaintiff's Notice of Voluntary Dismissal Without Prejudice Re: Systemax Inc.* in the above entitled matter were filed electronically through the Odyssey File and Service system.

I further certify that some of the participants in the case are not Odyssey File and Serve users. I have mailed the foregoing documents by First-Class mail, postage prepaid to the following:

GEORGE S. ISAACSON
Brann & Isaacson
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Attorney for Systemax

WAYFAIR INC.
4 Copley PL FL 7
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OVERSTOCK.COM INC.
6350 S. 3000 E.
Salt Lake City, UT 84121-5952

NEWEGG INC.
16839 E. Gale Ave.
City of Industry, CA 91745

Dated this 19th day of May, 2016.

/s/ Richard M. Williams
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