

1 MICHAEL E. MOSS 63408
HENRY Y. CHIU 222927
2 MOSS, TUCKER, CHIU, HEBESHA & WARD
A Professional Corporation
3 5260 North Palm Avenue, Suite 205
Fresno, California 93704
4 Telephone: (559) 436-3847
5 Attorneys for Plaintiffs

6
7
8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION**

10 * * *

11 BOARD OF TRUSTEES OF IBEW LOCAL
UNION NO. 100 PENSION TRUST FUND;
12 IBEW LOCAL UNION NO. 100 HEALTH
AND WELFARE TRUST FUND; JOINT
13 ELECTRICAL INDUSTRY TRAINING
TRUST FUND; NATIONAL ELECTRICAL
14 BENEFIT FUND; and IBEW DISTRICT NO.
9 PENSION PLAN TRUST FUND,

15 Plaintiffs,

16 v.

17 WILLIAM CHARLES PORGES, individually
and doing business as ACCELERATED
18 ELECTRIC; PORGES ENTERPRISES INC.,
doing business as ACCELERATED
19 ELECTRIC, INC.; AMERICAN
CONTRACTORS INDEMNITY COMPANY;
20 and DOES 1 through 50,

21 Defendants.
22
23

Case No. 1:11-cv-02048-LJO-SKO

**STIPULATION AND ORDER TO
DISMISS CLAIMS SUBJECT TO
SETTLEMENT AGREEMENT**

[FRCP, RULE 41]

Complaint Filed: December 13, 2011
Trial Date: June 25, 2013

24 Plaintiffs BOARD OF TRUSTEES OF: IBEW LOCAL UNION NO. 100 PENSION
25 TRUST FUND; IBEW LOCAL UNION NO. 100 HEALTH AND WELFARE TRUST FUND;
26 JOINT ELECTRICAL INDUSTRY TRAINING TRUST FUND; NATIONAL ELECTRICAL
27 BENEFIT FUND; and IBEW DISTRICT NO. 9 PENSION PLAN TRUST FUND (collectively,
28 "Plaintiffs") and defendant AMERICAN CONTRACTORS INDEMNITY COMPANY

1 (“ACIC”), being the only parties that have appeared in the present action, hereby stipulate, and
2 request an order, that the Court dismiss Plaintiffs’ claims against ACIC, with prejudice, due to
3 the Parties’ settlement of said claims.

4 Dated: September 12, 2013. MOSS, TUCKER, CHIU, HEBESHA & WARD PC

5
6 By /s/ Henry Y. Chiu
HENRY Y. CHIU
Attorney for the Plaintiffs

7
8 Dated: September 11, 2013. LANAK & HANNA, P.C.

9
10 By /s/ Robert J. Stroj
ROBERT J. STROJ
Attorney for the Defendant, AMERICAN
11 CONTRACTORS INDEMNITY COMPANY

12
13
14 **ORDER**

15 PLAINTIFFS’ CLAIMS AGAINST ACIC ARE HEREBY DISMISSED WITH
16 PREJUDICE.

17
18
19 IT IS SO ORDERED.

20 Dated: September 12, 2013

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE