

1 RONALD F. GARRITY, BAR NO. 110488
 PAUL V. SIMPSON, BAR NO. 83878
 2 SARAH E. LUCAS, BAR NO. 148713
 MARINA C. GRUBER, BAR NO. 271542
 3 SIMPSON, GARRITY, INNES & JACUZZI
 Professional Corporation
 4 601 Gateway Boulevard, Suite 950
 5 South San Francisco, CA 94080
 Telephone: (650) 615-4860
 6 Fax: (650) 615-4861

7 Attorneys for Plaintiff and Counterdefendant
 GILBERTSON DRAGLINES, INC.

8 Muriel B. Kaplan, Esq. (SBN 124607)
 9 mkaplan@sjlawcorp.com
 Anne M. Bevington, Esq. (SBN 111320)
 10 abevington@sjlawcorp.com
 SALTZMAN & JOHNSON LAW CORPORATION
 11 44 Montgomery Street, Suite 2110
 San Francisco, CA 94104
 12 (415) 882-7900
 (415) 882-9287 – Facsimile

13 Attorneys for Defendants and Counterclaimants
 14 Operating Engineers Health And Welfare Trust
 Fund For Northern California, et al.

15 UNITED STATES DISTRICT COURT

16 EASTERN DISTRICT OF CALIFORNIA – SACRAMENTO DIVISION

17 GILBERTSON DRAGLINES, INC.,

Case No.: 2:08-CV-01746-MCE

18 Plaintiff,

**STIPULATION FOR VOLUNTARY
 DISMISSAL; ORDER THEREON**

19 v.

20 OPERATING ENGINEERS HEALTH AND
 WELFARE TRUST FUND FOR NORTHERN
 21 CALIFORNIA, et al.,

22 Defendants.

23 OPERATING ENGINEERS HEALTH AND
 24 WELFARE TRUST FUND FOR NORTHERN
 CALIFORNIA, et al.,

25 Counterclaimants,

26 v.

27 GILBERTSON DRAGLINES, INC.,

28 Counterdefendant.

1 The parties to this action, having reached a settlement, hereby stipulate pursuant to Rule
2 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure that this entire action, including Plaintiff's
3 Complaint and Counterclaimants' Counterclaim, be dismissed with prejudice, all parties to bear
4 their own costs and attorneys' fees.

5 Dated: August 15, 2012.

SIMPSON, GARRITY, INNES & JACUZZI
Professional Corporation

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7 By: /S/ Paul V. Simpson
PAUL V. SIMPSON

8

Attorneys for Plaintiff and Counter-Defendant
GILBERTSON DRAGLINES, INC.

9

10 Dated: August 15, 2012.

SALTZMAN & JOHNSON LAW CORPORATION

11

12 By: /S/ Anne M. Bevington
ANNE M. BEVINGTON

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Attorneys for Defendants and Counter-Claimants
OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA, et al.

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ORDER

17 IT IS SO ORDERED.

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19 Dated: August 23, 2012

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MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE

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