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Attorneys for Plaintiff
PACIFIC CRANE MAINTENANCE
COMPANY, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PACIFIC CRANE MAINTENANCE
COMPANY, INC., a California
corporation,

Plaintiff,

vs.

MACHINIST AUTOMOTIVE
TRADES DISTRICT LODGE 190,
and DOES 1 through 50, inclusive,

Defendants.

CASE NO. C 05-00988 MMC

**JOINT REQUEST FOR
VOLUNTARY DISMISSAL
PURSUANT TO F.R.C.P. RULE
41(a)(2) AND [PROPOSED] ORDER**

Dept.: 7
Judge: Maxine M. Chesney

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The parties in this action jointly request a voluntary dismissal without prejudice for the following reasons:

1. This Complaint was filed in March 2005 in response to defendant's assertion that certain actions by plaintiff violated a local ordinance and plaintiff's assertion that its actions were permitted by federal labor law which preempted the local ordinance.

2. After plaintiff filed this Complaint, defendant filed a Complaint in State court asserting that plaintiff violated said local ordinance, in response to which Complaint plaintiff asserted the same preemption defense and others.

3. Both this action and the related State court action have been held in abeyance pending current proceedings involving both parties before the National Labor Relations Board, which proceeding involves many of the same actions at issue in this case and the related State case.

4. Both parties have agreed to dismiss without prejudice both this Complaint and the related State court Complaint referred to above, in the hope that said NLRB proceeding will eliminate any need for either this case or the related State case to be pursued by either party.

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Accordingly, both parties request that this Complaint be dismissed without prejudice, based on defendant's commitment to dismiss the related state court Complaint without prejudice as well.

DATED: September 3, 2008 PAUL, HASTINGS, JANOFSKY & WALKER LLP
HOWARD C. HAY

By: 
HOWARD C. HAY

Attorneys for Plaintiff
PACIFIC CRANE MAINTENANCE
COMPANY, INC.

DATED: September 3, 2008 WEINBERG, ROGER & ROSENFELD
DAVID A. ROSENFELD

By: 
DAVID A. ROSENFELD

Attorneys for Defendant
MACHINIST AUTOMOTIVE TRADES
DISTRICT LODGE 190

ORDER

Good cause appearing, this case is dismissed without prejudice pursuant to F.R.C.P. Rule 41(a)(2).

DATED: September 5, 2008 
UNITED STATES DISTRICT JUDGE