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6 Attorneys for Plaintiffs
 Cement Masons Trust Funds

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 BOARD OF TRUSTEES OF THE CEMENT
 MASON'S HEALTH AND WELFARE TRUST
 12 FUND FOR NORTHERN CALIFORNIA;
 BOARD OF TRUSTEES OF THE CEMENT
 13 MASON'S VACATION-HOLIDAY TRUST
 FUND FOR NORTHERN CALIFORNIA;
 14 BOARD OF TRUSTEES OF THE CEMENT
 MASON'S PENSION TRUST FUND FOR
 15 NORTHERN CALIFORNIA; and BOARD OF
 TRUSTEES OF THE CEMENT MASON'S
 16 TRAINING TRUST FUND FOR NORTHERN
 CALIFORNIA,

17 Plaintiffs,

18 v.

19 F & M ENGINEERING CONTRACTORS,
 20 INC., a California corporation; and CLETUS
 MARION McCONVILLE, an Individual,

21 Defendants.
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23 BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 TRUST FUND FOR NORTHERN
 24 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 25 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 26 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 27 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 28 CALIFORNIA.

Case No.: C 07 0486 EDL

**STIPULATION FOR DISMISSAL;
 ORDER THEREON**

Case No. C 07 0487 EDL:

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Plaintiffs,

v.

F & M ENGINEERING CONTRACTORS,
INC., a California corporation; and CLETUS
MARION McCONVILLE, an Individual,

Defendants.

STIPULATION

IT IS HEREBY STIPULATED by and between Board of Trustees of the Cement
Masons Health and Welfare Trust Fund for Northern California, Board of Trustees of the
Cement Masons Vacation-Holiday Trust Fund for Northern California, Board of Trustees of the
Cement Masons Pension Trust Fund for Northern California and Board of Trustees of the
Cement Masons Training Trust Fund for Northern California (“Cement Masons Trust Funds”),
on the one hand, and Defendants F&M Engineering Contractors, Inc., a California Corporation;
and Cletus Marion McConville (“Defendants”), on the other hand, through their respective
counsel, that pursuant to the Settlement Agreement and Release executed by and between the
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1 parties, that this case be dismissed without prejudice, in its entirety, as to all defendants, each
2 party to bear their own attorneys' fees and costs.

3 DATED: November 13, 2008

4 BULLIVANT HOUSER BAILEY PC

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6 By _____ /s/
7 Ronald L. Richman
8 Susan J. Olson

9 Attorneys for Plaintiffs

10 DATED: November 13, 2008

11 DIEMER, WHITMAN & CARDOSI, LLP

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13 By _____ /s/
14 Judith L. Whitman

15 Attorneys for Defendants

16 **ORDER**

17 Pursuant to Stipulation by the parties and good cause appearing,

18 IT IS HEREBY ORDERED that this case be dismissed without prejudice, in its entirety,
19 as to all defendants, each party to bear their own attorneys' fees and costs.

20 DATED: November 25, 2008

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25 By _____
26 HONORABLE JUDGE
27 UNITED STATES DISTRICT COURT

