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9 UNITED STATES DISTRICT COURT
10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
11 (OAKLAND DIVISION)

12
13 GIL CROSTHWAITE, RUSS BURNS, in their
respective capacities as Trustees of the
14 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
15 CALIFORNIA, et al.

Case No.: C07-0869 MEJ

STIPULATION

16 Plaintiffs,

17 v.

18 NEIL JACKSON CONSTRUCTION, INC.,
et al.,

19 Defendants.

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STIPULATION

IT IS HEREBY STIPULATED by and between Plaintiffs Gil Crosthwaite, Russ Burns, in their respective capacities as Trustees of the Operating Engineers Health and Welfare Trust Fund for Northern California, Pension Trust Fund for Operating Engineers, Pensioned Operating Engineers Health and Welfare Fund, Operating Engineers and participating Employers Pre-Apprenticeship, Apprentice and Journeyman Affirmative Action Training Fund, Operating Engineers Vacation and holiday Plan, Operating Engineers Contract Administration Trust Fund, Operating Engineers Market Preservation Trust Fund, Operating Engineers Industry Stabilization Trust Fund, Business Development Trust Fund and Heavy and Highway Committee, on the one hand, and Defendants Neil Jackson Construction, a California corporation and Neil Jeffery Jackson, individually, and each of them, on the other hand, that the Fifth Claim for Relief for Breach of Fiduciary Duty, be dismissed, with prejudice, as against said Defendants.

DATED: ^{January} ~~December~~ 23, 2007

PLAINTIFFS

By: Wayne S. Smith

Its: OESTF-MS Collection

DATED: December __, 2007

NEIL JACKSON CONSTRUCTION, a California corporation

By: Neil Jackson

Its: President

DATED: December __, 2007

By: Neil Jackson
NEIL JEFFERY JACKSON

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The undersigned counsel have advised their clients regarding this stipulation and have approved it as to form.

DATED: January 22, 2008


STACEY JACKSON,
Attorney for Defendants

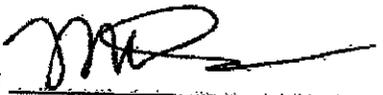
DATED: January 22, 2008

GANZER & WILLIAMS

By: 
JAMES E. GANZER,
Attorneys for Defendants

DATED: January 22, 2008

SALTZMAN & JOHNSON LAW CORPORATION

By: 
MICHELE R. STAFFORD
Attorneys for Plaintiffs

ORDER

The parties having so Stipulated:

IT IS HEREBY ORDERED that the Fifth Claim for Relief, Breach of Fiduciary Duty, be dismissed, with prejudice, as against all Defendants.

DATED: February 5, 2008

HONORABLE  JAMES
United States District Court
Northern District of California

J71:Jackson1.stip.order