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

11 BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 12 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 13 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 14 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 15 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 16 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 17 CALIFORNIA,

18 Plaintiff,

19 vs.

20 BAY HAWK, INC., a California corporation, ,

21 Defendant.

Case No.: C 07-4379 JSW

**PLAINTIFFS' REQUEST FOR
 DISMISSAL WITH PREJUDICE;
 ORDER THEREON**

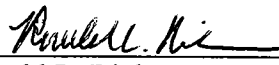
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 23 On August 24, 2007 Plaintiffs Trust Funds filed their Complaint For Damages for
 24 Breach of Collective Bargaining Agreement and For A Mandatory Injunction ("Complaint")
 25 seeking a mandatory injunctive order requiring Bay Hawk, Inc. to submit to an audit of its
 26 books and records. On July 2, 2008 this Court issued its Unopposed Order Granting Plaintiffs'
 27 Motion for Preliminary Injunction ("Order") compelling Defendant Bay Hawk, Inc. to submit to
 28 an audit of its books and records.

1 Pursuant to the Order, Defendant Bay Hawk, Inc. did submit to an audit of its books and
2 records. Pursuant to the audit, Defendant Bay Hawk, Inc. was found to owe Plaintiffs Trust
3 Funds a small amount in contributions. Defendant Bay Hawk, Inc. has paid, in full, the amount
4 of the delinquent contributions and no further monies are owed to Plaintiffs Trust Funds.

5 Based on the above, Plaintiffs Trust Funds respectfully request that this Court issue an
6 Order dismissing this case, in its entirety, with prejudice.

7 DATED: September 17, 2008

8 BULLIVANT HOUSER BAILEY PC

9
10 By 
11 Ronald L. Richman
Susan J. Olson

12 Attorneys for Laborers Trust Funds

13
14 **ORDER**

15 This Court, having been presented with Plaintiffs' Request for Dismissal with Prejudice,
16 and good cause appearing,

17 IT IS HEREBY ORDERED that this case be and hereby is dismissed with prejudice.

18 DATED: September 18, 2008

19
20 By 
21 HON. JEFFREY S. WHITE
22 UNITED STATES DISTRICT JUDGE

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