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14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 SAN FRANCISCO DIVISION

17 PAUL BENSI, BART FLORENCE, JERRY  
KALMAR, and LYLE SETTER, in  
18 their capacities as Trustees of the  
STATIONARY ENGINEERS LOCAL 39  
19 PENSION TRUST FUND; STATIONARY  
ENGINEERS LOCAL 39 ANNUITY TRUST  
20 FUND; and STATIONARY ENGINEERS  
21 LOCAL 39 HEALTH AND WELFARE  
TRUST FUND,  
22

23 Plaintiffs,

24 v.

25 AC SERVICE & DESIGN COMPANY, a  
California Corporation,  
26

27 Defendant(s).  
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No. C 08-1757 BZ

**STIPULATION FOR DISMISSAL;  
~~PROPOSED~~ ORDER**

**[Fed. R. Civ. P. 41(a)(1)(A)(ii)]**

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Pursuant to Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiffs Paul Bensi, Bart Florence, Jerry Kalmar, and Lyle Setter, in their capacities as Trustees of the Stationary Engineers Local 39 Pension Trust Fund; Stationary Engineers Local 39 Annuity Trust Fund; and Stationary Engineers Local 39 Health and Welfare Trust Fund and Defendant AC Service & Design Company, by and through the undersigned counsel, hereby stipulate to the dismissal without prejudice of Plaintiff's Complaint for Breach of Contract, Damages and Breach of Fiduciary Duty against Defendant, who has appeared in this action.

Dated: May 2, 2012

WEINBERG, ROGER & ROSENFELD  
A Professional Corporation

By: /s/ Linda Baldwin Jones  
LINDA BALDWIN JONES  
Attorneys for Plaintiffs

Dated: May 2, 2012

SIMS & LAYTON

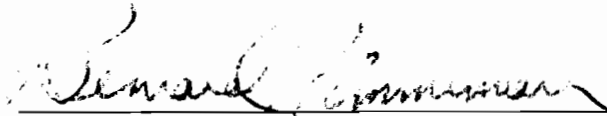
By: /s/ Phillip Sims  
PHILLIP SIMS  
Attorneys for Defendant

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PROPOSED ORDER

IT IS SO ORDERED.

Dated: 3 May 2012

  
HONORABLE BERNARD ZIMMERMAN  
United States Magistrate Judge

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