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10 UNITED STATES DISTRICT COURT
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 BAY AREA PAINTERS AND TAPERS
 PENSION TRUST FUND, et al.,

Case No.: C08-3987 JSW

13 Plaintiffs,

NOTICE OF VOLUNTARY DISMISSAL

14 v.

15 LOMBARDO CONSTRUCTION, INC., dba
 LOMBARDO LATH PLASTER &
 16 DRYWALL,

17 Defendant.

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19 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), plaintiffs BAY AREA
 20 PAINTERS AND TAPERS PENSION TRUST FUND, et al., voluntarily dismiss, without
 21 prejudice, their claim against defendant LOMBARDO CONSTRUCTION, INC., dba
 22 LOMBARDO LATH PLASTER & DRYWALL. Defendant has neither served an answer nor
 23 moved for summary judgment, and plaintiffs have not previously filed or dismissed any similar
 24 action against defendant.

25 It is therefore requested that this action be dismissed without prejudice, and that the Court
 26 shall retain jurisdiction over this matter.

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I declare under penalty of perjury that I am the attorney for the plaintiffs in the above entitled action, and that the foregoing is true of my own knowledge.

Executed this 25th day of November, 2008, at San Francisco, California.

SALTZMAN & JOHNSON
LAW CORPORATION

By: _____/S/_____
Michele R. Stafford
Attorneys for Plaintiffs

IT IS SO ORDERED.

This case is dismissed without prejudice and the Court shall retain jurisdiction over this matter.

Date: December 1, 2008



THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT COURT JUDGE