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6 Attorneys for Plaintiffs

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8 UNITED STATES DISTRICT COURT

9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 OPERATING ENGINEERS HEALTH AND  
 WELFARE TRUST FUND FOR NORTHERN  
 11 CALIFORNIA, et al.,

Case No.: C08-4520 SI

**NOTICE OF VOLUNTARY DISMISSAL**

12 Plaintiffs,

13 v.

14 SPILKER ASSOCIATES *dba* SPILKER, INC.,  
 MARK P. SPILKER, and MICHELLE  
 15 SPILKER,

16 Defendants.

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18 PLEASE TAKE NOTICE that pursuant to F.R.C.P. Rule 41(a)(1), Plaintiffs OPERATING  
 19 ENGINEERS’ HEALTH & WELFARE TRUST FUND, et al., voluntarily dismiss, with  
 20 prejudice, their claim against Defendants SPILKER ASSOCIATES doing business as SPILKER,  
 21 INC., MARK P. SPILKER, and MICHELLE SPILKER, including judgment debtor SOLAR  
 22 FOUNDATION SOLUTIONS, INC. Defendants have neither served an answer nor moved for  
 23 summary judgment, and Plaintiffs have not previously filed or dismissed any similar action  
 24 against Defendants.

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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 26th day of June, 2012, at San Francisco, California.

SALTZMAN & JOHNSON  
LAW CORPORATION

By: \_\_\_\_\_/s/\_\_\_\_\_  
Michele R. Stafford  
Attorneys for Plaintiffs

IT IS SO ORDERED.

This case is dismissed with prejudice.

Date: 7/2/12

  
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UNITED STATES DISTRICT COURT JUDGE

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PROOF OF SERVICE:

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of San Francisco, State of California. I am over the age of eighteen and not a party to this action. My business address is 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

On June 26, 2012, I served the following document(s):

**NOTICE OF VOLUNTARY DISMISSAL**

on the interested parties in said action by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

*Attorney for Defendants:*

**Randy O. Wright, Esq.  
Case, Ibrahim & Clauss, LLP  
95 So. Market Street, 3rd Floor  
San Jose, California 945113**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 26th day of June, 2012, at San Francisco, California.

\_\_\_\_\_  
/s/  
Qui X. Lu