

United States District Court  
For the Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GIL CROSTHWAITE and RUSS BURNS, in their  
respective capacities as Trustees of the OPERATING  
ENGINEERS' HEALTH AND WELFARE TRUST FUND,  
PENSION TRUST FUND FOR OPERATING ENGINEERS,  
PENSIONED OPERATING ENGINEERS' HEALTH AND  
WELFARE FUND, OPERATING ENGINEERS AND  
PARTICIPATING EMPLOYERS PRE-APPRENTICESHIP,  
APPRENTICE AND JOURNEYMEN AFFIRMATIVE  
ACTION TRAINING FUND, HEAVY AND HIGHWAY  
COMMITTEE, and OPERATING ENGINEERS LOCAL 3,

No. C 08-05548 WHA

**ORDER REGARDING  
DISMISSAL; ORDER  
SCHEDULING CMC**

Plaintiffs,

v.


OLIVER TRANSBAY CONSTRUCTION, INC., a  
California corporation, and FRANK OLIVER, an individual,

Defendants.

The Court is in receipt of plaintiffs notice of voluntary dismissal without prejudice  
pending confirmation of check clearance. Plaintiffs should file a dismissal once the check has  
cleared and there is no further need for a conditional dismissal. A case management  
conference is hereby scheduled for **JULY 9, 2009, AT 11:00 A.M.** The parties should file a joint  
case management statement at least seven days prior to the hearing.

**IT IS SO ORDERED.**

Dated: June 19, 2009.

  
\_\_\_\_\_  
WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE