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6 Attorneys for Plaintiffs

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 8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 BOARD OF TRUSTEES OF THE CEMENT  
 MASONS HEALTH AND WELFARE TRUST  
 11 FUND FOR NORTHERN CALIFORNIA;  
 BOARD OF TRUSTEES OF THE CEMENT  
 12 MASONS VACATION-HOLIDAY TRUST  
 FUND FOR NORTHERN CALIFORNIA;  
 13 BOARD OF TRUSTEES OF THE CEMENT  
 MASONS PENSION TRUST FUND FOR  
 14 NORTHERN CALIFORNIA; AND BOARD  
 OF TRUSTEES OF THE CEMENT MASONS  
 15 TRAINING TRUST FUND FOR NORTHERN  
 CALIFORNIA,

Case No.: C O9-01732 JSW

**STIPULATION TO DISMISS CASE  
 WITHOUT PREJUDICE; ORDER  
 THEREON**

16 Plaintiffs,

17 v.

18 ALL WEST CONSTRUCTION, INC., a  
 19 California corporation,

20 Defendant.

21 **STIPULATION**

22 IT IS HEREBY STIPULATED by and between Plaintiffs Boards of Trustees of the  
 23 Cement Masons Health and Welfare Trust Fund for Northern California, Board of Trustees of  
 24 the Cement Masons Vacation-Holiday Trust Fund for Northern California, Board of Trustees of  
 25 the Cement Masons Pension Trust Fund for Northern California, and Board of Trustees of the  
 26 Cement Masons Training Trust Fund for Northern California (“Cement Masons Trust Funds”),  
 27 on the one hand, and Defendant All West Construction, Inc. (“All West Construction”), on the  
 28

1 other hand, through their respective counsel, that pursuant to a binding settlement entered into  
2 by and between the parties, that this Court dismiss this case, without prejudice, each party to  
3 bear their own costs and fees.

4 DATED: May 3, 2010

5 BULLIVANT HOUSER BAILEY PC

6  
7 By \_\_\_\_\_ /s/  
8 Ronald L. Richman  
9 Susan J. Olson

10 Attorneys for Plaintiffs  
11 Cement Masons Trust Funds

12 DATED: May 3, 2010

13 HAWKINS – BOHMAN

14 By \_\_\_\_\_ /s/  
15 Scott C. Hawkins

16 Attorneys for Defendant  
17 All West Construction, Inc.

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**ORDER**

The parties having submitted this Stipulation To Dismiss Case Without Prejudice and good cause appearing:

IT IS HEREBY ORDERED that this case is hereby dismissed, without prejudice, each side to bear their own costs and fees.

DATED: May4, 2010

By   
HON. JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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