

1 Nathan D. Ide, #187510
 2 Attorney at Law
 3 110 W. Center Ave., Suite A
 4 Visalia, CA 93291
 Telephone: (559) 734-9889
 5 Facsimile: (559) 734-9876
 6
 7
 8 Attorney for D & E Construction, Inc.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 THE BOARD OF TRUSTEES, in their
 12 capacities as Trustees of the LABORERS
 13 HEALTH AND WELFARE TRUST FUND
 14 FOR NORTHERN CALIFORNIA;
 15 LABORERS VACATION-HOLIDAY
 16 TRUST FUND FOR NORTHERN
 17 CALIFORNIA; LABORERS PENSION
 18 TRUST FUND FOR NORTHERN
 CALIFORNIA; and LABORERS TRAINING
 AND RETRAINING TRUST FOR
 NORTHERN CALIFORNIA; NORTHERN
 CALIFORNIA DISTRICT COUNCIL OF
 LABORERS for itself and on behalf of
 LABORERS' LOCAL 304,

CASE NO. CV 09-2937

STIPULATION FOR DISMISSAL
OF CROSS-COMPLAINT
WITHOUT PREJUDICE

19 Plaintiffs,

vs.


20 EDWIN OLIVER DE SILVA, Individually;
 21 EDWIN OLIVER DE SILVA, Individually
 22 and doing business as DE SILVA GATES
 23 CONSTRUCTION; DE SILVA GATES
 24 CONSTRUCTION; DB ELECTRIC, INC.,
 A California Corporation; and D & E
 CONSTRUCTION, INC., a California
 Corporation,

25 Defendants,

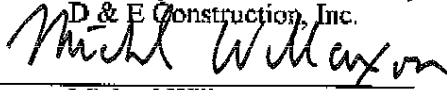
1 D & E CONSTRUCTION, INC., a California
2 Cross-Claimant,
3 vs.
4 DE SILVA GATES CONSTRUCTION;
5 TRAVELERS CASUALTY AND SURETY
6 COMPANY OF AMERICA (TRAVELERS);
7 THE BOARD OF TRUSTEES, in their
8 capacities as Trustees of the LABORERS
9 HEALTH AND WELFARE TRUST FUND
10 FOR NORTHERN CALIFORNIA;
11 LABORERS VACATION-HOLIDAY
12 TRUST FUND FOR NORTHERN
13 CALIFORNIA; LABORERS PENSION
14 TRUST FUND FOR NORTHERN
15 CALIFORNIA; and LABORERS TRAINING
16 AND RETRAINING TRUST FOR
17 NORTHERN CALIFORNIA; NORTHERN
18 CALIFORNIA DISTRICT COUNCIL OF
19 LABORERS for itself and on behalf of
20 LABORERS' LOCAL 304
21 Cross-Defendants.

22 Pursuant to Federal Rule of Civil Procedure 41, the parties hereby stipulate that the cross-
23 claim of D&E Construction shall be dismissed without prejudice, each party to bear its own costs.
24 This dismissal shall not operate as an adjudication on the merits in any future claim.

25 Dated: June 29, 2010


Nathan D. Ide,
Attorneys for Cross-Claimant,
D & E Construction, Inc.

26 Dated: June 29, 2010


Michael Willcoxon
Attorneys for Cross-Defendants
DeSilva Gates Construction
Travelers Casualty and Surety
Company of America

ORDER

IT IS SO ORDERED:
6/30/10

HONORABLE

-2-

STIPULATION FOR DISMISSAL WITH

