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11 **UNITED STATES DISTRICT COURT**  
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 \* \* \*

14 BOARD OF TRUSTEES OF THE PIPE  
 TRADES DISTRICT COUNCIL NO. 36  
 15 HEALTH AND WELFARE TRUST FUND;  
 BOARD OF TRUSTEES OF THE PIPE  
 16 TRADES DISTRICT COUNCIL NO. 36  
 PENSION TRUST FUND; BOARD OF  
 17 TRUSTEES OF THE PIPE TRADES  
 DISTRICT COUNCIL NO. 36 APPRENTICE  
 18 TRAINING TRUST FUND; BOARD OF  
 TRUSTEES OF THE CENTRAL  
 19 CALIFORNIA PIPE TRADES INDUSTRY  
 LABOR-MANAGEMENT COOPERATION  
 20 COMMITTEE TRUST FUND,

Case No. CV09-04408-JSW

**STIPULATION AND ORDER TO  
 DISMISS ACTION SUBJECT TO  
 SETTLEMENT AGREEMENT**

21 Plaintiffs,

22 v.

23 SUMMIT MECHANICAL SYSTEMS, INC.,  
 a California corporation; CORINNE  
 24 KATHLEEN WHITE, an individual; LONNY  
 MICHAEL WHITE, an individual; SMS  
 INDUSTRIAL, INC. a.k.a. S M S  
 25 INDUSTRIAL, INC., a California corporation;  
 and DOES 1 through 50, inclusive,

26 Defendants.

1 Plaintiffs Board of Trustees of Pipe Trades District Council No. 36 Health and Welfare  
2 Trust Fund et al. (collectively, "Plaintiffs") and defendants Summit Mechanical Systems, Inc. et  
3 al. (collectively "Defendants") hereby stipulate, and request an order, as to the following:

- 4 1. that the Court dismiss the present action, without prejudice, as to all Defendants,  
5 due to the parties' settlement of the action pursuant to a written "Settlement  
6 Agreement Between the Pipe Trades District Council No. 36 Trust Funds and  
7 Summit et al."; and  
8 2. that the Court retain jurisdiction to enforce the terms of said Agreement.

9 Dated: March 24, 2011.

MOSS, TUCKER, CHIU, HEBESHA & WARD  
A Professional Corporation

10 By /s/ Henry Y. Chiu  
11 HENRY Y. CHIU  
12 Attorney for Plaintiffs

13 Dated: March 24, 2011.

LITTLER MENDELSON  
A Professional Corporation


14 By /s/ Nathalie A. Le Ngoc  
15 NATHALIE A. LE NGOC  
16 Attorney for Defendants

17 **ORDER**

18 THE ABOVE CAPTIONED ACTION IS HEREBY DISMISSED WITHOUT  
19 PREJUDICE. THE COURT SHALL RETAIN JURISDICTION TO ENFORCE THE TERMS  
20 OF THE SETTLEMENT AGREEMENT BETWEEN THE PARTIES.

21 IT IS SO ORDERED.

22 Dated: March 28, 2011

23   
24 HON. JEFFREY S. WHITE  
25 United States District Court Judge

26  
27  
28 6151.24