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6 Attorneys for Plaintiffs

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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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F. G. CROSTHWAITE, et al., as Trustees of  
 11 the OPERATING ENGINEERS’ HEALTH  
 AND WELFARE TRUST FUND, et al.,

Case No.: C09-6065 CRB

**NOTICE OF VOLUNTARY DISMISSAL**

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Plaintiffs,

13

v.

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BROOM EXPRESS, INC., a California  
 15 Corporation,

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Defendant.

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PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1), Plaintiffs  
 19 OPERATING ENGINEERS’ HEALTH AND WELFARE TRUST FUND, et al., voluntarily  
 20 dismiss, without prejudice, their claim against Defendant BROOM EXPRESS, INC. a California  
 21 Corporation. Defendant has neither served an answer nor moved for summary judgment, and  
 22 Plaintiffs have not previously filed or dismissed any similar action against Defendant.

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It is therefore requested that this action be dismissed without prejudice, and that the Court retain jurisdiction over this matter.

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 30th day of August, 2010, at San Francisco, California.

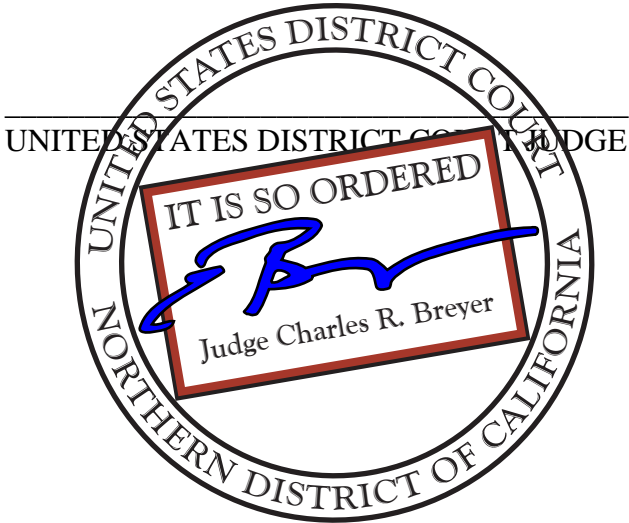
SALTZMAN & JOHNSON  
LAW CORPORATION

By: /S/Blake E. Williams  
Blake E. Williams  
Attorneys for Plaintiffs

IT IS SO ORDERED.

This case is dismissed without prejudice and the Court shall retain jurisdiction over this matter.

Date: September 1, 2010



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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 August 30, 2010, I served the following document(s):

**NOTICE OF VOLUNTARY DISMISSAL**

on the interested parties in said action by FACSIMILE transmission to the number shown below, and by FIRST CLASS U.S. MAIL, 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:

**Michael Bounds  
Broom Express, Inc.  
4460 Frankline Lane  
Oakley, California 94561  
  
Fax: 925-679-3357**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 30th day of August, 2010, at San Francisco, California.

/S/Vanessa de Fabrega  
Vanessa de Fabrega