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14 UNITED STATES DISTRICT COURT

15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 BAY AREA PAINTERS AND TAPERS
 PENSION TRUST FUND, et al.,

Case No: C10-0926 RS

17 Plaintiffs,

**STIPULATION OF VOLUNTARY
DISMISSAL**

18 v.

19 LOMBARDO CONSTRUCTION, INC., *dba*
 20 LOMBARDO LATH PLASTER &
 DRYWALL, a California Corporation,

21 Defendant.

23 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1)(ii), Plaintiffs BAY
 24 AREA PAINTERS AND TAPERS PENSION TRUST FUND, et al., and Defendant
 25 LOMBARDO CONSTRUCTION, INC., *dba* LOMBARDO LATH PLASTER & DRYWALL,
 26 stipulate to the voluntarily dismissal, without prejudice, of Defendant Lombardo Construction,
 27 Inc., *dba* Lombardo Lath Plaster & Drywall, Inc. in this action.
 28

**STIPULATION OF VOLUNTARY DISMISSAL
CASE NO.: C10-0926 RS**

1 Plaintiffs have not previously filed or dismissed any similar action against Defendant.

2 The Parties have finalized an agreement which settles all disputed issues in this Action. It
3 is therefore requested that this action be dismissed without prejudice, and that the Court retain
4 jurisdiction over this matter should either party breach the settlement agreement.

5 Respectfully submitted,

6 Dated: January 12, 2011

**SALTZMAN & JOHNSON
LAW CORPORATION**

8 By: /S/Blake E. Williams

9 Blake E. Williams
Attorneys for Plaintiffs

10 Dated: January 11, 2011

**LAW OFFICE OF MURRAY M.
HELM JR.**

13 By: /S/Murray M. Helm, Jr.

14 Murray M. Helm, Jr.
Attorneys for Defendants

15 IT IS SO ORDERED.

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

18 Dated: 1/12/11



19 THE HONORABLE RICHARD SEEBORG
20 UNITED STATES DISTRICT COURT JUDGE