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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 F.G. CROSTHWAITE and RUSSELL E.  
 BURNS, in their respective capacities as  
 13 Trustees, et al.,  
 14 Plaintiffs,  
 15 v.  
 16 A PLUS MATERIALS AND RECYCLING,  
 INC. a California Corporation, et al.,  
 17 Defendants.  
 18

Case No: C10-4342 SI

**STIPULATION OF VOLUNTARY  
 DISMISSAL**

19  
 20 PLEASE TAKE NOTICE that pursuant to F.R.C.P., Rule 41(a)(1)(ii), Plaintiffs  
 21 OPERATING ENGINEERS HEALTH AND WELFARE TRUST FUNDS, et al., and Defendants  
 22 A PLUS MATERIALS AND RECYCLING, INC., RODNEY RAY LAWLEY, and  
 23 RECOLOGY, INC., stipulate to the voluntarily dismissal, without prejudice, of Defendant  
 24 RECOLOGY, INC., in this action.

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

26 Plaintiffs named Recology, Inc. as a Defendant in this Action on the information and belief  
 27 that Recology had purchased the assets and liabilities of Defendant A Plus Materials and  
 28 Recycling, and thus was a successor entity to A Plus Materials and Recycling.

**STIPULATION OF VOLUNTARY DISMISSAL  
 CASE NO.: C10-4342 SI**

1 Plaintiffs and Defendant Recology have engaged in informal negotiations and discovery,  
2 and at this time Plaintiffs are satisfied that Defendant Recology is not a successor entity to  
3 Defendant A Plus Materials and Recycling.

4 Thus, the parties request that the Court immediately dismiss Defendant Recology, Inc.  
5 from this matter without prejudice.

6 Respectfully submitted,

7 Dated: March 18, 2011

**SALTZMAN & JOHNSON  
LAW CORPORATION**

9 By: /S/Blake E. Williams  
10 Blake E. Williams  
11 Attorneys for Plaintiffs

12 Dated: March 21, 2011

**HOWARD RICE NEMEROVSKI  
CANADY FALK & RABKIN**

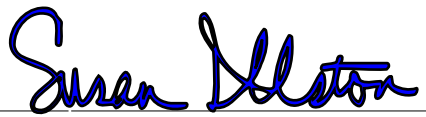
14 By: /S/ Gilbert J. Tsai  
15 Gilbert J. Tsai  
16 Attorneys for Defendant Recology, Inc.

Dated: March 21, 2011		<b>BROWN, HALL, SHORE &amp; MCKINLEY</b>
	By:	<u>/S/ John McKinley</u> John McKinley Attorneys for Defendants A Plus Materials and Recycling, and Rodney Ray Lawley

21 IT IS SO ORDERED.

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

24 Dated: 3/22/11

  
25 THE HONORABLE SUSAN ILLSTON  
26 UNITED STATES DISTRICT COURT JUDGE