

1 BARRY E. HINKLE, Bar No. 071223  
 2 PATRICIA A. DAVIS, Bar No. 179074  
 3 CONCEPCIÓN E. LOZANO-BATISTA, Bar No. 227227  
 4 WEINBERG, ROGER & ROSENFELD  
 5 A Professional Corporation  
 6 1001 Marina Village Parkway, Suite 200  
 7 Alameda, CA 94501-1091  
 8 Telephone (510) 337-1001  
 9 Attorneys for Plaintiffs

7 UNITED STATES DISTRICT COURT  
 8  
 9 NORTHERN DISTRICT OF CALIFORNIA

10 THE BOARD OF TRUSTEES, in their ) No. 11-CV-01311 MEJ  
 11 capacities as Trustees of the LABORERS )  
 12 HEALTH AND WELFARE TRUST FUND )  
 13 FOR NORTHERN CALIFORNIA; LABORERS ) **NOTICE OF DISMISSAL WITHOUT**  
 14 VACATION-HOLIDAY TRUST FUND FOR ) **PREJUDICE**  
 15 NORTHERN CALIFORNIA; LABORERS )  
 16 PENSION TRUST FUND FOR NORTHERN )  
 17 CALIFORNIA; and LABORERS TRAINING )  
 18 AND RETRAINING TRUST FUND FOR )  
 19 NORTHERN CALIFORNIA, )  
 20 )  
 21 Plaintiffs, )  
 22 )  
 23 v. )  
 24 )  
 25 RW MURRAY, INC., Doing Business as A to Z )  
 26 CONSTRUCTION, )  
 27 )  
 28 Defendant. )

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1 NOTICE IS HEREBY GIVEN that, pursuant to Federal Rule of Civil Procedure 41(a)(1),  
2 Plaintiffs voluntarily dismiss the above-captioned action *without prejudice*. The parties have  
3 resolved this matter and Defendant is currently making payments pursuant to the agreed upon  
4 settlement. Said voluntary dismissal without an order of the Court is appropriate, since Defendant  
5 has not filed an answer or responsive pleading in this matter.

6 Pursuant to their settlement agreement, the parties request that the Court maintain  
7 jurisdiction over this case for six (6) months from the date of settlement, May 12, 2011.

8 A Case Management Conference has been scheduled for June 30, 2011. With this Request  
9 for Dismissal, Plaintiffs also request that said Case Management Conference be vacated.

10 Dated: May 31, 2011

11 WEINBERG, ROGER & ROSENFELD  
12 A Professional Corporation

13 By: /s/ Concepcion E. Lozano-Batista  
14 CONCEPCION E. LOZANO-BATISTA  
15 Attorneys for Plaintiffs

16 **[PROPOSED] ORDER**

17 On May 12, 2011, counsel for Plaintiffs advised the Court that the parties had settled this  
18 case and needed an additional twenty (20) days in which to finalize a settlement agreement. The  
19 parties have now settled this matter and requested that this Court maintain jurisdiction over the  
20 settlement agreement.

21 IT IS HEREBY ORDERED that this case be dismissed pursuant to the foregoing Order  
22 without prejudice. The Court shall maintain jurisdiction over this case until November 12, 2011.  
23 The Case Management Conference set for June 30, 2011 is hereby vacated.

24  
25 Dated: June 1, 2011

26   
27 \_\_\_\_\_  
28 MARIA ELENA JAMES  
UNITED STATES DISTRICT JUDGE

127089/622800

**PROOF OF SERVICE**  
(CCP 1013)

I am a citizen of the United States and an employee in the County of Alameda, State of California. I am over the age of eighteen years and not a party to the within action; my business address is 1001 Marina Village Parkway, Suite 200, Alameda, California 94501-1091. On May 31, 2011, I served upon the following parties in this action:

Michele D. Murray  
RW Murray, Inc. dba A to Z  
Construction  
4300 North State Street  
Ukiah, CA 95482

copies of the document(s) described as:

**NOTICE OF DISMISSAL WITHOUT PREJUDICE**

- BY MAIL** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of correspondence for mailing, said practice being that in the ordinary course of business, mail is deposited in the United States Postal Service the same day as it is placed for collection.
- BY PERSONAL SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and caused the same to be delivered by hand to the offices of each addressee.
- BY OVERNIGHT DELIVERY SERVICE** I placed a true copy of each document listed herein in a sealed envelope, addressed as indicated herein, and placed the same for collection by Overnight Delivery Service by following the ordinary business practices of Weinberg, Roger & Rosenfeld, Alameda, California. I am readily familiar with the practice of Weinberg, Roger & Rosenfeld for collection and processing of Overnight Delivery Service correspondence, said practice being that in the ordinary course of business, Overnight Delivery Service correspondence is deposited at the Overnight Delivery Service offices for next day delivery the same day as Overnight Delivery Service correspondence is placed for collection.
- BY FACSIMILE** I caused to be transmitted each document listed herein via the fax number(s) listed above or on the attached service list.

I certify under penalty of perjury that the above is true and correct. Executed at Alameda, California, on May 31, 2011.

/s/ Stephanie Mizuhara  
Stephanie Mizuhara