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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

12 BOARD OF TRUSTEES OF THE
 LABORERS HEALTH AND WELFARE
 13 TRUST FUND FOR NORTHERN
 CALIFORNIA; BOARD OF TRUSTEES OF
 14 THE LABORERS VACATION-HOLIDAY
 TRUST FUND FOR NORTHERN
 15 CALIFORNIA; BOARD OF TRUSTEES OF
 THE LABORERS PENSION TRUST FUND
 16 FOR NORTHERN CALIFORNIA; and
 BOARD OF TRUSTEES OF THE
 17 LABORERS TRAINING AND RETRAINING
 TRUST FUND FOR NORTHERN
 18 CALIFORNIA,

19 Plaintiff,

20 vs.

21 ASHLEY HAWLEY RHODES, an individual
 d/b/a ASHLEY H. RHODES COMPANY,

22 Defendant.

Case No.: CV-12-02661 NC

**REQUEST TO DISMISS CASE
 WITHOUT PREJUDICE; ORDER
 THEREON**

1 Plaintiffs Laborers Trust Funds respectfully that this Court dismiss this entire action,
2 without prejudice, on the following grounds:

3 On May 23, 2012, Plaintiffs Laborers Trust Funds filed their Complaint for Damages for
4 Breach of Collective Bargaining Agreement and For a Mandatory Injunction (“Complaint”).
5 Pursuant to the Complaint, Plaintiffs Laborers Trust Funds sought a mandatory injunctive order
6 requiring Defendant Ashley Hawley Rhodes, an individual *doing business as* Ashley H. Rhodes
7 Company (“Rhodes”) to submit to an audit of Rhodes’ books and records.

8 Despite repeated efforts to serve the Complaint on defendant Rhodes, Plaintiffs have
9 been unable to effect service. Plaintiffs have exhausted all possibilities in their efforts to locate
10 alternative address information for Rhodes, and remain unable to effect service of the
11 Complaint.

12 Based on the above, Plaintiffs respectfully request that this Court dismiss this entire
13 action, without prejudice.

14 DATED: August 22, 2012

15 BULLIVANT HOUSER BAILEY PC

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17 By /s/ Arlena V. Carrozzi
18 RONALD L. RICHMAN
19 SUSAN J. OLSON
ARLENA V. CARROZZI
Attorneys for Plaintiffs

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ORDER

Plaintiff Laborers Trust Funds having submitted its Request to Dismiss Case, Without Prejudice and good cause appearing:

IT IS HEREBY ORDERED that this case is dismissed, without prejudice.

DATED: August 23, 2012

By 
HON. NATHANAEL M. COUSINS
UNITED STATES MAGISTRATE JUDGE