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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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

Case No.: C12-2725 SI

NOTICE OF VOLUNTARY DISMISSAL

12 Plaintiffs,

13 v.

14 MERHAV DEVELOPMENT, INC., a
 California corporation, *dba* SOUTHERN
 15 CALIFORNIA EARTHWORK,

16 Defendant.

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18 PLEASE TAKE NOTICE that pursuant to F.R.C.P. Rule 41(a)(1), Plaintiffs OPERATING
 19 ENGINEERS’ HEALTH & WELFARE TRUST FUND, et al., voluntarily dismiss, without
 20 prejudice, their claim against Defendant MERHAV DEVELOPMENT, INC., a California
 21 corporation, doing business as SOUTHERN CALIFORNIA EARTHWORK. Defendant has
 22 neither served an answer nor moved for summary judgment, and Plaintiffs have not previously
 23 filed or dismissed any similar action against Defendant.

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1 I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above-
2 entitled action, and that the foregoing is true of my own knowledge.

3 Executed this 23rd day of October, 2012, at San Francisco, California.

4 SALTZMAN & JOHNSON
5 LAW CORPORATION

6 By: _____ /s/
7 Muriel B. Kaplan
8 Attorneys for Plaintiffs

9 IT IS SO ORDERED.

10 This case is dismissed without prejudice.

11 Date: 10/26/12

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13 _____
14 UNITED STATES DISTRICT COURT JUDGE

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PROOF OF SERVICE:

I, the undersigned, declare:

I 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 **October 23, 2012**, I served the following document(s) on the parties to this action in the manner described below:

NOTICE OF VOLUNTARY DISMISSAL

XX **MAIL**, being familiar with the practice of this office for the collection and the processing of correspondence for mailing with the United States Postal Service, and deposited in the United States Mail copies of the same to the business addresses as specified below, in a sealed envelope fully prepared.

To:

**Merhav Development, Inc.
dba Southern California Earthwork
19528 Ventura Boulevard, #423
Tarzana, California 91356**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 23rd day of October, 2012, at San Francisco, California.

/s/
Qui X. Lu