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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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F.G. CROSTHWAITE, et al.,

Case No.: C12-6178 SI

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Plaintiffs,

**NOTICE OF WITHDRAWAL OF
 PLAINTIFFS' MOTION FOR
 DEFAULT JUDGMENT; NOTICE OF
 VOLUNTARY DISMISSAL WITHOUT
 PREJUDICE OF DEFENDANT
 GIACALONE ELECTRICAL
 SERVICES, INC. ; AND [PROPOSED]
 ORDER**

12

vs.

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GIACALONE ELECTRICAL SERVICES,
 INC., et al.,

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Defendants.

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Date: December 12, 2014

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Time: 9:00 a.m.

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Ctrm: 10 (19th Floor)

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Location: 450 Golden Gate Avenue
 San Francisco, CA

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Judge Honorable Susan Illston

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WITHDRAWAL OF MDJ & DISMISSAL WITHOUT PREJUDICE
 CASE NO.: C12-6178 SI

1 Default has been entered against Defendant GES since it did not appear in this action.
2 Docket No. 33. On November 7, 2014, Plaintiffs Operating Engineers' Health and Welfare Trust
3 Fund, et al. ("Trust Funds") filed a Motion for Default Judgment against Giacalone Electrical
4 Services, Inc. ("GES"). Docket Nos. 75-77. The Trust Funds hereby withdraws its Motion for
5 Default Judgment. Further, the Trust Funds voluntarily dismiss Defendant GES without prejudice.
6 Plaintiffs have not previously filed or dismissed any similar action against Defendant GES.

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8 Dated: November 20, 2014

SALTZMAN & JOHNSON
LAW CORPORATION

9
10 _____/s/_____
11 Shaamini A. Babu
12 Attorney for Operating Engineers' Health
13 And Welfare Trust Fund, et al.

14 **ORDER**

15 Based on the foregoing, and good cause appearing, the hearing on Plaintiffs' Motion of
16 Default Judgment set for December 12, 2014, is hereby taken off calendar and Defendant GES is
17 dismissed without prejudice.

18 IT IS SO ORDERED.

19 Date: 11/21/14



20 _____
21 SUSAN ILLSTON
22 United States District Court Judge

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PROOF OF SERVICE

I, the undersigned, declare:

I am a citizen of the United States and 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 November 20, 2014, I served the following document(s):

NOTICE OF WITHDRAWAL OF PLAINTIFFS’ MOTION FOR DEFAULT JUDGMENT; NOTICE OF VOLUNTARY DISMISSAL WITHOUT PREJUDICE OF DEFENDANT GIACALONE ELECTRICAL SERVICES, INC. ; AND [PROPOSED] ORDER

on the interested parties to this action, in the manner described as follows, addressed as below:

XX **MAIL** by placing the envelope for collection and mailing on the date shown above following our ordinary business practices. Being readily familiar with this business’s practice for collecting and processing correspondence for mailing, on the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service in a sealed envelope with postage fully prepaid.

Defendant Giacalone Electronic Services, Inc.
c/o Vincent Giacalone
4600 Meritage Court
Gilroy, CA 95020

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 20th day of November, 2014, at San Francisco, California.

/S/
Catherine Jemera