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 8 Attorneys for Plaintiffs

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

13	BOARD OF TRUSTEES OF THE SHEET METAL)	NO. C 07 5056 PJH
14	WORKERS, et al.,)	
	Plaintiffs,)	CASE MANAGEMENT
15	vs.)	CONFERENCE STATEMENT
16))	AND NOTICE OF VOLUNTARY
))	<u>DISMISSAL</u>
17	TRI-R-STEEL FABRICATION INC., a)	
18	California corporation)	
))	
19	Defendant.)	
))	

19 Plaintiff's claim in this action is as a third party
 20 beneficiary of the new contract imposed by the Sheet Metal Industry
 21 National Joint Adjustment Board. The union filed a state court
 22 action to confirm the award, Sheet Metal Workers Local 104 v. Tri-
 23 R- Steel, San Mateo Superior Court CIV 470431. The trial court
 24 ruled in favor of the defendant and the case is now on appeal.

25 In view of the time required to complete the appeal,
 26 judicial economy requires that this action be dismissed, with the
 27 case to be refiled upon conclusion of the appeal process.

28 CASE MANAGEMENT CONFERENCE STATEMENT AND NOTICE OF VOLUNTARY DISMISSAL

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Notice is hereby given that plaintiffs dismiss the above entitled action without prejudice pursuant to Federal Rule of Civil Procedure 41, and all dates relating to this case should be taken off the Court's calendar including the hearing a Case Management Conference set for October 9, 2008 at 2:30 p.m., in Courtroom, 3, 17th Floor, 450 Golden Gate Avenue, San Francisco, CA

Dated: September 30, 2008

ERSKINE & TULLEY

By: /s/ Michael J. Carroll
Michael J. Carroll
Attorneys for Plaintiffs

10/15/08



for Phyllis J. Hamilton

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PROOF OF SERVICE BY MAIL

I am a citizen of the United States and employed in the City and County of San Francisco, California. I am over the age of eighteen years and not a party to the within above entitled action; my business address is 220 Montgomery Street, Suite 303, San Francisco, California 94104. On September 30, 2008 I served the within CASE MANAGEMENT CONFERENCE STATEMENT AND NOTICE OF VOLUNTARY DISMISSAL on the defendant in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States post office mail box at San Francisco, California, addressed as follows:

Tri-R-Fabrication Inc.
151 Industrial Way
Brisbane, CA 94005

I, SHARON EASTMAN, certify (or declare), under penalty of perjury that the foregoing is true and correct.

Executed on September 30, 2008 at San Francisco California.

/s/Sharon Eastman
Sharon Eastman