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8 Attorneys for Plaintiffs

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 TRUSTEES OF THE BRICKLAYERS LOCAL) CASE NO. 10-3557 DMR
 12 NO. 3 PENSION TRUST; TRUSTEES OF THE) (Labor)
 13 LOCAL NO. 7 PENSION TRUST; TRUSTEES)
 14 OF THE BRICKLAYERS LOCAL NO. 3) STIPULATION FOR DISMISSAL OF
 15 HEALTH AND WELFARE TRUST; TRUSTEES) AMERICAN CONTRACTORS
 16 OF THE BRICKLAYERS AND ALLIED) INDEMNITY COMPANY WITHOUT
 17 CRAFTS LOCAL NO. 3 APPRENTICE) PREJUDICE;
 18 TRAINING TRUST; INTERNATIONAL UNION) [Proposed] ORDER
 19 OF BRICKLAYERS AND ALLIED)
 20 CRAFTSMEN, AFL-CIO, LOCAL UNION NO. 3,)
 21 on behalf of itself and as agent for its members;)
 22 TRUSTEES OF THE INTERNATIONAL UNION)
 23 OF BRICKLAYERS AND ALLIED)
 24 CRAFTSMEN PENSION FUND,)

25 Plaintiffs,

26 vs.

27 DAVID HERNANDEZ, as an individual and doing)
 28 business as "Atlas Marble & Granite";)
 PETER GODINEZ, as an individual and doing)
 business as "Atlas Marble & Granite";)
 AMERICAN CONTRACTORS INDEMNITY)
 COMPANY, a California corporation,)

Defendants.

Defendant, AMERICAN CONTRACTORS INDEMNITY COMPANY, hereby agrees to
 waive the running of and agree to toll the statute of limitations as of the date the complaint in
 this action was filed should Plaintiffs later commence a new action on the bond which was the

1 subject of this action. Accordingly, Plaintiffs and Defendant, AMERICAN CONTRACTORS
2 INDEMNITY COMPANY, stipulate to and request entry of an order dismissing AMERICAN
3 CONTRACTORS INDEMNITY COMPANY without prejudice.

4 So agreed and stipulated:
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6

7 Dated: April 15, 2011

8 By: /s/ Roberta Costillo
9 Roberta Costillo
American Contractors Indemnity Company

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11 Katzenbach & Khtikian
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13 Dated: April 18, 2011

14 By: /s/ Conor Mack
Conor D. Mack
Attorneys for Plaintiffs
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16 **Attestation Of Concurrence**

17 I, Conor Mack, declare that Roberta Costillo has signed the Stipulation set forth above
18 and that I have in my possession her signature on this document.

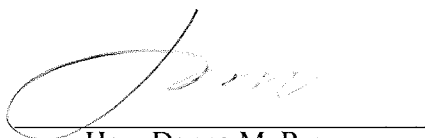
19 I declare under penalty of perjury that the foregoing is true and correct.

20 Executed this 18th day of April 2011, in San Francisco, California.
21

22 /s/ Conor Mack
23 Conor D. Mack
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ORDER

It is hereby ordered that AMERICAN CONTRACTORS INDEMNITY COMPANY is dismissed without prejudice.

Dated: 4/25/11 
Hon. Donna M. Ryu
United States Magistrate Judge

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