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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 F.G. CROSTHWAITE and RUSSELL E.
 BURNS, in their respective capacities as
 11 Trustees, of the OPERATING ENGINEERS’
 HEALTH AND WELFARE TRUST FUND
 12 FOR NORTHERN CALIFORNIA, et al.;

13 Plaintiffs,

14 v.

15 ECI AGGREGATES, INC., a California
 corporation,

16 Defendant.

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Case No.: C11-0353 PJH

**NOTICE OF VOLUNTARY DISMISSAL
AND ORDER**

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PLEASE TAKE NOTICE that pursuant to F.R.C.P. Rule 41(a)(1), Plaintiffs F.G.
 20 CROSTHWAITE and RUSSELL E. BURNS, in their respective capacities as Trustees of the
 21 OPERATING ENGINEERS’ HEALTH AND WELFARE TRUST FUND FOR NORTHERN
 22 CALIFORNIA, et al., voluntarily dismiss, without prejudice, their claim against Defendant ECI
 23 AGGREGATES, INC., a California Corporation. Defendant has neither served an answer nor
 24 moved for summary judgment, and Plaintiffs have not previously filed or dismissed any similar
 25 action against Defendant.

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

Executed this 5th day of December, 2011, at San Francisco, California.

SALTZMAN & JOHNSON
LAW CORPORATION

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

IT IS SO ORDERED.

This case is dismissed without prejudice.

Date: 12/6/11 _____



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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 December 5, 2011, I served the following document(s):

NOTICE OF VOLUNTARY DISMISSAL

on the interested parties in said action by First Class U.S. Mail by placing a true and exact copy of each document in a sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San Francisco, California, addressed as follows:

**Robert Vaughan
Agent for Service of Process
ECI Aggregates, Inc.
11879 Kemper Road #1
Auburn, California 95603**

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on this 5th day of December, 2011, at San Francisco, California.

_____/s/_____
Qui X. Lu