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7 UNITED STATES DISTRICT COURT
 8
 9 NORTHERN DISTRICT OF CALIFORNIA

10 THE BOARD OF TRUSTEES, in their) No. 11-03020 SBA
 11 capacities as Trustees of the LABORERS)
 12 HEALTH AND WELFARE TRUST FUND)
 13 FOR NORTHERN CALIFORNIA; LABORERS)
 14 VACATION-HOLIDAY TRUST FUND FOR)
 15 NORTHERN CALIFORNIA; LABORERS) **NOTICE OF DISMISSAL WITHOUT**
 16 PENSION TRUST FUND FOR NORTHERN) **PREJUDICE; ORDER THEREON**
 17 CALIFORNIA; and LABORERS TRAINING)
 18 AND RETRAINING TRUST FUND FOR)
 19 NORTHERN CALIFORNIA,)
 20 Plaintiffs,)
 21 v.)
 22 DURAN HOGAN CONSTRUCTION, INC.,)
 23 Defendant.)

22 NOTICE IS HEREBY GIVEN that, pursuant to Federal Rule of Civil Procedure 41(a)(1),
 23 Plaintiffs voluntarily dismiss the above-captioned action *without prejudice*. The parties have
 24 resolved this matter and Defendant is currently making payments to Plaintiffs. Said voluntary
 25 dismissal without an order of the Court is appropriate, since Defendant has not filed an answer or
 26 responsive pleading in this matter.

27 Pursuant to the resolution of this matter, the parties request that the Court maintain

1 jurisdiction over this case for six (6) months from the date of settlement, September 14, 2011.

2 A Case Management Conference has been scheduled for October 5, 2011. With this
3 Request for Dismissal, Plaintiffs also request that said Case Management Conference be vacated.

4 Dated: September 14, 2011

5 WEINBERG, ROGER & ROSENFELD
6 A Professional Corporation

7 By: /s/ Concepcion E. Lozano-Batista
8 CONCEPCION E. LOZANO-BATISTA
9 Attorneys for Plaintiffs

10 **ORDER**

11 The parties have resolved this matter and requested that this Court maintain jurisdiction
12 over the case. IT IS HEREBY ORDERED that this case be dismissed pursuant to the foregoing
13 Order without prejudice. The Court shall maintain jurisdiction over this case until April 14, 2012.
14 The Case Management Conference set for October 5, 2011 is hereby vacated.

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16
17 Dated: 9/14/11

18 
19 SAUNDRA BROWN ARMSTRONG
20 UNITED STATES DISTRICT JUDGE

21 128015/636783