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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT**NORTHERN DISTRICT OF CALIFORNIA**

TRUSTEES of the NORTHERN CALIFORNIA
TILE INDUSTRY PENSION TRUST FUND, et
al.,

Plaintiffs,

v.

PEACOCK TILE AND MARBLE, INC., et al.,

Defendants.

Case No. CV 11-3859 DMR

**PLAINTIFFS' DISMISSAL WITH
PREJUDICE OF DEFENDANT
HOMESITE SERVICES, INC.**

and

~~[proposed]~~ **ORDER**
[F.R.C.P. 41(a)(2)]

Judge: Magistrate Judge Donna Ryu

Location: Courtroom No. 4, 3rd Floor
Oakland Courthouse
1301 Clay Street
Oakland, CA 94612

Pls.' Dismissal With Prejudice of Def. Homesite
and ~~[proposed]~~ ORDER

Case No. CV 11-3859 DMR

1 **PLAINTIFFS' DISMISSAL WITH PREJUDICE OF**
2 **DEFENDANT HOMESITE SERVICES, INC.**

3 Pursuant to the Federal Rules of Civil Procedure, rule 41(a)(2), and the Stipulation
4 approved by Court Order on May 23, 2014, at page 3, paragraph 3 [Dkt. No. 119, p. 3:5-6],
5 Plaintiffs Trustees of the Northern California Tile Industry Pension Trust Fund; Trustees of the
6 Northern California Tile Industry Health and Welfare Trust Fund; Trustees of the Northern
7 California Tile Industry Apprenticeship and Training Trust Fund; Trustees of the Northern
8 California Tile Industry Vacation and Holiday Trust Fund; and Trustees of the Northern California
9 Tile Industry Labor Management Cooperation Trust Fund ("Plaintiffs") hereby dismiss with
10 prejudice Defendant Homesite Services, Inc. ("Homesite"), from the above-entitled action, as
11 Defendant has complied with paragraph III.A of the Parties' Settlement Agreement [Dkt. No. 119,
12 Exh. 2, p. 2, ¶ III.A.].

13
14 Dated: May 28, 2014

DAVIS, COWELL & BOWE, LLP

15 By: /s/ John J. Davis, Jr.
16 John J. Davis, Jr.
17 Sarah Grossman-Swenson
18 Attorneys for Plaintiffs

19 **ORDER**

20 Pursuant to the Stipulation approved by Court Order on May 23, 2013 [Docket No. 119],
21 Defendant Homesite Services, Inc., is hereby dismissed with prejudice from the above-entitled
22 action.

23 **IT IS SO ORDERED.**

24
25
26 Dated: June 2 , 2014



DONNA M. RYU
United States Magistrate Judge