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10 **UNITED STATES DISTRICT COURT**
 11
 12 **NORTHERN DISTRICT OF CALIFORNIA**

13 TRUSTEES of the NORTHERN CALIFORNIA
 14 TILE INDUSTRY PENSION TRUST FUND, et
 15 al.,
 16 Plaintiffs,
 17 v.
 18 PEACOCK TILE AND MARBLE, INC., et al.,
 19 Defendants.
 20

) Case No. CV 11-3859 DMR
)
) **PLAINTIFFS' DISMISSAL WITHOUT**
) **PREJUDICE OF DEFENDANT**
) **S.B.C.C., 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
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 Pls.' Dismissal Without Prejudice of Def. S.B.C.C., Inc.
 and ~~proposed~~ ORDER

Case No. CV 11-3859 DMR

1 **PLAINTIFFS' DISMISSAL WITHOUT PREJUDICE OF DEFENDANT S.B.C.C., Inc.**

2 Pursuant to the Federal Rules of Civil Procedure, rule 41(a)(2), and the Stipulation
3 approved by Court Order on May 23, 2014, at page 3, paragraph 4.b [Dkt. No. 119, p. 3:25-4:2],
4 Plaintiffs Trustees of the Northern California Tile Industry Pension Trust Fund; Trustees of the
5 Northern California Tile Industry Health and Welfare Trust Fund; Trustees of the Northern
6 California Tile Industry Apprenticeship and Training Trust Fund; Trustees of the Northern
7 California Tile Industry Vacation and Holiday Trust Fund; and Trustees of the Northern California
8 Tile Industry Labor Management Cooperation Trust Fund (“Plaintiffs”) hereby dismiss without
9 prejudice Defendant S.B.C.C., Inc., d/b/a South Bay Construction, Inc. (“SBCC”), from the above-
10 entitled action, as Defendant has complied with paragraph III.A.1 of the Parties’ Settlement
11 Agreement [Dkt. No. 119, Exh. 3, p. 2, ¶ III.A.1].

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13 Dated: June 3, 2014

DAVIS, COWELL & BOWE, LLP

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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, 2014 [Docket No. 119],
21 Defendant S.B.C.C., Inc., is hereby dismissed without prejudice from the above-entitled action.

22 **IT IS SO ORDERED.**

23
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25 Dated: _____

