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 7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

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| <p>10 BOARD OF TRUSTEES OF THE SHEET METAL) 11 WORKERS, et al.,)) Plaintiffs,) 12) vs.) 13)) 14 TIMOTHY MOAK, et al.,)) Defendants.) 15 _____)</p> | <p>NO. C 11 4620 CW PLAINTIFFS' ELECTION TO DISMISS SECOND <u>CAUSE OF ACTION; ORDER</u></p> |
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 17 Plaintiffs have considered the Court's Order Granting in
 18 Part and Denying in Part Plaintiffs' Motion for Default Judgment
 19 (Document 42), and hereby elect to dismiss the second cause of
 20 action claim against Timothy Moak and Jennifer Moak for withdrawal
 21 liability based upon the personal guaranty. Said dismissal is
 22 without prejudice to plaintiffs asserting in another proceeding,
 23 any other basis for withdrawal liability against defendants.

24 Respectfully submitted,

25 Dated: November 6, 2012 ERSKINE & TULLEY

26 By: /s/Michael J. Carroll
 27 Michael J. Carroll
 Attorneys for Plaintiffs

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IT IS SO ORDERED.

Dated: 11/6/2012



Judge Claudia Wilken