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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GRANITE ROCK CORPORATION, et al.,

Plaintiff(s),

No. C 12-2579 PJH

v.

ORDER OF DISMISSAL

PENSION TRUST FUND FOR
OPERATING ENGINEERS, et al.,

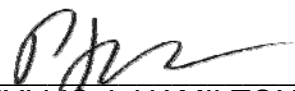
Defendant(s).

The parties hereto, by their counsel, having advised the court that they have agreed to a settlement of this cause, IT IS HEREBY ORDERED that this cause of action is dismissed **without** prejudice; provided, however that if any party hereto shall certify to this court, within sixty (60) days, with proof of service thereof, that the agreed consideration for said settlement has not been delivered over, the foregoing order shall stand vacated and this cause shall forthwith be restored to the calendar to be set for trial.

If no certification is filed, after passage of sixty (60) days, the dismissal shall be **with** prejudice. The parties may substitute a dismissal with prejudice at any time before expiration of the sixty day period.

IT IS SO ORDERED.

Dated: August 31, 2012



PHYLLIS J. HAMILTON
United States District Judge