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6 Attorneys for Defendant District Council 16  
Northern California Health and Welfare Trust  
7 Fund, into which the Bay Area Painters  
and Tapers Trust Fund merged (erroneously named  
8 as Bay Area Painters and Tapers Health  
Fund in Alameda)

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UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

13

MONTEREY PENINSULA ORTHOPEDIC  
AND SPORTS MEDICINE INSTITUTE, a  
14 California Corporation

15

Plaintiffs,

16

v.

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BAY AREA PAINTERS AND TAPERS  
HEALTH FUND IN ALAMEDA, a business  
entity form unknown, and DOES 1-100  
18 inclusive,

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Defendants.

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PLEASE TAKE NOTICE THAT, pursuant to FRCP Rule 41(a)(1)(ii), PLAINTIFF

22

MONTEREY PENINSULA ORTHOPEDIC AND SPORTS MEDICINE INSTITUTE, a

23

California Corporation ("Plaintiff"), and DEFENDANT DISTRICT COUNCIL 16 NORTHERN

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CALIFORNIA HEALTH AND WELFARE TRUST FUND, into which the BAY AREA

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PAINTERS AND TAPERS TRUST FUND merged (erroneously named BAY AREA PAINTERS

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AND TAPERS HEALTH FUND IN ALAMEDA), hereby stipulate to the voluntarily dismissal,

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with prejudice, of this Action.

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U.S. District Court Case No.: C12-5373 PJH


Alameda County Superior Court  
Case No.: RG12646373

**STIPULATION OF VOLUNTARY  
DISMISSAL**

1 This Action was initially filed by Plaintiffs in the Superior Court for the County of  
2 Alameda on August 31, 2012. Defendants removed this Action to Federal Court on October 18,  
3 2012. Defendants have not answered the Complaint, but have otherwise appeared in effectuating  
4 the removal of this Action. Plaintiffs have not previously filed or dismissed any similar Action  
5 against Defendant. Thus, the parties request that the Court immediately this Action with  
6 prejudice.

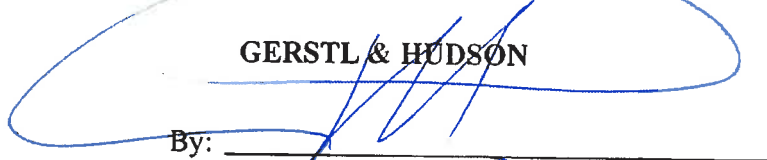
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8 Respectfully submitted,  
9 Dated: October 31, 2012

**SALTZMAN & JOHNSON  
LAW CORPORATION**

10  
11 By:   
12 Michele R. Stafford, Esq.  
13 Attorneys for Defendants

14 Dated: October 31, 2012


**GERSTL & HUDSON**

15 By:   
16 Hugo N. Gerstl, Esq.  
17 Attorneys for Plaintiffs

18  
19 IT IS SO ORDERED.

20 The above entitled Action is dismissed without prejudice.

21  
22 Dated: 11/1/12

23  
24 THE HONORABLE PHYLIS J. HAMILTON  
25 IT IS SO ORDERED COURT JUDGE  
26   
27 Judge Phyllis J. Hamilton  
28  
