

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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OPERATING ENGINEERS LOCAL #49  
HEALTH AND WELFARE FUND,  
CENTRAL PENSION FUND OF THE  
INTERNATIONAL UNION OF  
OPERATING ENGINEERS AND  
PARTICIPATING EMPLOYERS,  
LOCAL #49 INTERNATIONAL UNION  
OF OPERATING ENGINEERS AND  
ASSOCIATED GENERAL  
CONTRACTORS OF MINNESOTA  
APPRENTICESHIP AND TRAINING  
PROGRAM AND THEIR TRUSTEES,

Plaintiffs,

v.

ENGINEERED CONCRETE PLACER  
OF MINNESOTA, INC., ENGINEERED  
CONCRETE PLACER OF MINNESOTA  
D/B/A E-CON-PLACER, INC., AND  
RICHARD L. TOUSIGNANT,  
INDIVIDUALLY,

Defendants.

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Civil No. 08-4819 (JRT/FLN)

**ORDER FOR DISMISSAL  
WITH PREJUDICE**

Amy Court and Carl Wosmek, **MCGRANN, SHEA, ANDERSON,  
CARNIVAL, STRAUGHN & LAMB, CHTD**, 800 Nicollet Mall, Suite  
2600, Minneapolis, MN 55402, for plaintiffs.

Corie Tarara and Gregory Peters, **SEATON BECK & PETERS, PA**, 7300  
Metro Boulevard, Suite 500, Minneapolis, MN 55439, for defendants.

Based upon the parties' stipulation for dismissal with prejudice [Docket No. 34],  
and upon all of the files, records and proceedings herein,

**IT IS HEREBY ORDERED** that all claims shall be dismissed in their entirety with prejudice, on the merits, and without costs, attorneys' fees, or disbursements to either party.

DATED: June 15, 2009  
at Minneapolis, Minnesota.

s/John R. Tunheim  
JOHN R. TUNHEIM  
United States District Judge