

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Operating Engineers Local #49 Health and Welfare Fund and 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,

Civil No. 09-3452 (RHK/RLE)

Plaintiffs,

vs.

ORDER FOR DISMISSAL

Thielen Excavating, LLC and Jon Thielen, individually,

Defendants.

Pursuant to the Notice of Voluntary Dismissal (Doc. No. 9), **IT IS ORDERED** that this matter is **DISMISSED WITHOUT PREJUDICE** and without costs to either party.

Dated: February 3, 2010

s/Richard H. Kyle _____
RICHARD H. KYLE
United States District Judge