

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

GREATER ST. LOUIS CONSTRUCTION)
LABORERS WELFARE FUND, an employee)
benefit plan, and BRANDON FLINN, RAYMOND)
LINEHAN, ANDREW ORLANDO, GARY)
ELLIOTT, GALE JAMISON, DAVID GILLICK,)
JAMES MOLL, TOM DANIELS, JEFF SCHMIDT)
THOMAS DAVIS, JERRY FLEMING, KENNETH)
KARSTEN, MIKE BENIGNO and NORMAN)
MERLO, Trustees of the Greater St. Louis)
Construction Laborers Welfare Fund, and)
CONSTRUCTION LABORERS PENSION)
TRUST OF GREATER ST. LOUIS, an)
employee benefit plan, and ANDREW ORLANDO,)
KENNETH KARSTEN, DAVID GILLICK)
RICHARD McLAUGHLIN, JEFFREY)
O’CONNELL, PASQUALE LOPICCOLO,)
DON WILLEY, JOSEPH BEETZ, GARY)
ELLIOTT, WILLIAM L. LUTH, DONALD)
GRANT, JOSEPH LERITZ, ROBERT FRITZ)
and JAY SCHULTEHENRICH, Trustees of the)
Construction Laborers Pension Trust of Greater St.)
Louis, and ST. LOUIS VACATION FUND –)
VACATION PLAN, an employee benefit plan, and)
GARY ELLIOTT, BRANDON FLINN)
JAY SCHULTEHENRICH, NORMAN)
MERLO and WILLIAM L. LUTH, Trustees of the)
St. Louis Vacation Fund – Vacation Plan, and)
AGC–EASTERN MISSOURI LABORERS’ JOINT)
TRAINING FUND, an employee benefit plan, and)
LARRY BLOOMER, ANDREW ORLANDO,)
PERRI PRYOR, GARY ELLIOTT, RICHARD)
McGUIRE, BRANDON FLINN, JOHN B.)
MORGAN, JOHN P. MULLIGAN, ROBERT J.)
WESOLICH, FRANCIS R. WOJEHOWSKI,)
CLIFF LAND, and JOHN J. SMITH, SR.,)
Trustees of the AGC–Eastern Missouri Laborers’)
Joint Training Fund, and LOCAL UNION NOS.)
42-53-110, LABORERS INTERNATIONAL)
UNION OF NORTH AMERICA, AFL-CIO,)
labor organizations,)

Plaintiffs,)

No. 4:09-CV-944 CAS

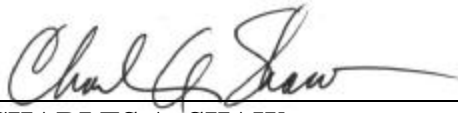
v.)
MAR-II CONCRETE CO.,)
Defendant.)

ORDER OF DISMISSAL

This matter is before the Court sua sponte. On November 24, 2009, the Court issued an order providing that plaintiffs promptly serve defendant Mar-II Concrete Co., and file proof of such service within thirty days. The order specifically provided that failure to comply with Rule 4(m) of the Federal Rules of Civil Procedure and this order will result in dismissal without prejudice.

The record not reflecting proof of service on defendant Mar-II Concrete Co.,

IT IS HEREBY ORDERED that the above-captioned cause of action against defendant Mar-II Concrete Co. is **DISMISSED** without prejudice.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 5th day of January, 2010.