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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

2:10-CV-1142 JCM (LRL)

TRUSTEES OF THE  
CONSTRUCTION INDUSTRY AND  
LABORERS HEALTH AND  
WELFARE TRUST, et al.,  
  
Plaintiffs,  
  
v.  
  
T.L. SMITH INC., et al.,  
  
Defendants.

**ORDER**

Presently before the court is the defendant’s motion to withdraw its motion for summary judgment (doc. #9). (Doc. #11). Defendant has submitted the declaration of Willi H. Siepmann, which states that the dispute between the parties has been resolved by settlement, leaving the motion for summary judgment moot.

Good cause appearing,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendant’s motion to withdraw (doc. #11) the motion for summary judgment (doc. #9) be, and the same hereby is, GRANTED;

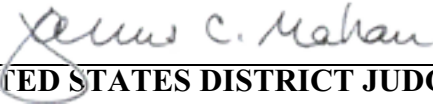
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James C. Mahan  
U.S. District Judge

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IT IS FURTHER ORDERED that the motion for summary judgment (doc. #9) be, and the same hereby is, DENIED as moot.

DATED July 29, 2011.

  
UNITED STATES DISTRICT JUDGE