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5 Attorneys for Plaintiffs

6 **UNITED STATES DISTRICT COURT**

7 **DISTRICT OF NEVADA**

8 TRUSTEES OF THE CONSTRUCTION
 9 INDUSTRY AND LABORERS HEALTH
 10 AND WELFARE TRUST; TRUSTEES OF
 11 THE CONSTRUCTION INDUSTRY AND
 12 LABORERS JOINT PENSION TRUST;
 13 TRUSTEES OF THE CONSTRUCTION
 14 INDUSTRY AND LABORERS
 VACATION TRUST; AND TRUSTEES
 15 OF THE SOUTHERN NEVADA
 16 LABORERS LOCAL 872 TRAINING
 TRUST,

17 Plaintiffs,

18 vs.

19 CWS CONTRACTORS, LLC, a Nevada
 limited liability company; FIDELITY AND
 DEPOSIT COMPANY OF MARYLAND,

20 Defendants.

Case No. 2:10-cv-01197-PMP-PAL

**PLAINTIFFS' NOTICE OF VOLUNTARY
 DISMISSAL OF FIDELITY AND DEPOSIT
 COMPANY OF MARYLAND WITHOUT
 PREJUDICE**

22 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs, the Trustees of the
 23 Construction Industry and Laborers Health and Welfare Trust; the Trustees of the Construction
 24 Industry and Laborers Joint Pension Trust; the Trustees of the Construction Industry and Laborers
 25 Vacation Trust; and the Trustees of the Southern Nevada Laborers Local 872 Training Trust,

26 ///

BROWNSTEIN HYATT FARBER SCHRECK, LLP
 100 North City Parkway, Suite 1600
 Las Vegas, Nevada 89106-4614
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1 hereby dismiss this action against Defendant Fidelity and Deposit Company of Maryland without
2 prejudice.

3
4 Dated: December 6, 2010.

BROWNSTEIN HYATT FARBER SCHRECK, LLP

5 /s/ Adam Segal

6 Adam P. Segal, Esq.

Nevada Bar No. 6120

100 North City Parkway, Suite 1600

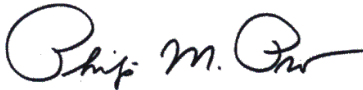
Las Vegas, Nevada 89106-4614

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8
9 Attorneys for Plaintiffs

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11 IT IS SO ORDERED.

12
13 

14 PHILIP M. PRO, U.S. DISTRICT JUDGE

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16 Dated: December 7, 2010.

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CERTIFICATE OF SERVICE

I am employed by the law firm of Brownstein Hyatt Farber Schreck, LLP in Clark County. I am over the age of 18 and not a party to this action. My business address is 100 North City Parkway, Suite 1600, Las Vegas, Nevada 89106-4614.

On the 7th day of December, 2010, I served the document(s), described as:

PLAINTIFFS’ NOTICE OF VOLUNTARY DISMISSAL OF FIDELITY AND DEPOSIT COMPANY OF MARYLAND WITHOUT PREJUDICE

by placing the original a true copy thereof enclosed in a sealed envelope addressed as follows:

a. **ECF System** (*You must attach the “Notice of Electronic Filing”, or list all persons and addresses and attach additional paper if necessary*):

Joshua L. Benson, Esq.
Marquis & Aurbach
10001 Park run Drive
Las Vegas, Nevada 89145
Email: jbenson@marquisaurbach.com
Attorney for Defendant CWS Contractors, LLC

b. **BY U.S. MAIL.** I deposited such envelope in the mail at Las Vegas, Nevada. The envelope(s) were mailed with postage thereon fully prepaid. I am readily familiar with Brownstein Hyatt Farber Schreck, LLP’s practice of collection and processing correspondence for mailing. Under that practice, documents are deposited with the U.S. Postal Service on the same day which is stated in the proof of service, with postage fully prepaid at Las Vegas, Nevada in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date stated in this proof of service.

Fidelity and Deposit Company of Maryland
c/o CSC Services of Nevada
502 East John Street
Carson City, Nevada 89706
Defendant

- c. **BY PERSONAL SERVICE.**
- d. **BY DIRECT EMAIL.**
- e. **BY FACSIMILE TRANSMISSION.**

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Ebony Davis
An Employee of Brownstein Hyatt Farber Schreck, LLP