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9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

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

18
19 Plaintiffs,

20 vs.

21 SIX STAR CLEANING & CARPET
SERVICE, INC., a Nevada corporation;
22 BURKE CONSTRUCTION GROUP, INC., a
Nevada corporation; CBRE, INC., a Delaware
23 corporation; CLARK CONSTRUCTION
GROUP, LLC, a Maryland limited liability
24 company; M & H ENTERPRISES, INC., a
Nevada corporation; McCARTHY
25 BUILDING COMPANIES, INC., a Missouri
corporation; MIG WEST, INC., a Nevada
26 corporation; M.M.C., INC., a Nevada
corporation; SHAWMUT DESIGN AND
27 CONSTRUCTION, a Massachusetts
28

Case No. 2:13-cv-00160-GMN-VCF

**REQUEST TO DISMISS CLAIMS
AGAINST MCCARTHY BUILDING
COMPANIES, INC. WITHOUT
PREJUDICE**

AND ORDER

1 corporation; THOR CONSTRUCTION,
2 INC., a Minnesota corporation; TISHMAN
3 CONSTRUCTION CORPORATION OF
4 NEVADA, a Nevada corporation; TUTOR
5 PERINI BUILDING CORP., an Arizona
6 corporation; TRE BUILDERS, LLC, a
7 Nevada limited liability company; and,
8 WHITING BROS. CONSTRUCTION CO., a
9 Nevada corporation.

Defendants.

10 Pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiffs, the Boards of Trustees of
11 the Construction Industry and Laborers Health and Welfare Trust, the Construction Industry and
12 Laborers Joint Pension Trust, the Construction Industry and Laborers Vacation Trust, and the
13 Southern Nevada Laborers Local 872 Training Trust (collectively "Trust Funds"), hereby request
14 that the Court dismiss Defendant McCarthy Building Companies, Inc., without prejudice, each
15 party to bear its own attorneys' fees and costs.

Dated: July 31, 2013

BROWNSTEIN HYATT FARBER SCHRECK, LLP

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Attorneys for Plaintiffs

ORDER

IT IS SO ORDERED.


Gloria M. Navarro

United States District Judge

DATED: 07/31/2013