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 6 *and Zetian Systems West, Inc.*

7 **UNITED STATES DISTRICT COURT**
 8 **DISTRICT OF NEVADA**

9 BOARD OF TRUSTEES OF THE
 10 GLAZING HEALTH AND WELFARE
 FUND;; et. al,

Case No.: 17-CV-01638-JAD-NJK

11 Plaintiffs,

12 vs.

13 Z-GLASS INC., a Nevada Corporation;
 14 ZETIAN SYSTEMS, INC., a Nevada
 Corporation; ZETIAN SYSTEMS WEST,
 15 INC., a California Corporation;
 WESTERNGLASS SYSTEMS INC., a
 16 Nevada Corporation; JOHN DOES I-XX,
 inclusive; and ROE ENTITIES I-XX,
 17 inclusive,

ECF Nos. 52, 69

18 Defendants.

19 **STIPULATION AND ORDER TO DISMISS**
 20 **COUNTERCLAIM WITHOUT PREJUDICE**

21 Defendant/ Counterclaimant Z-Glass, Inc., by and through their counsel of record,
 22 David Mincin, Esq.; and Plaintiffs Board Of Trustees Of The Glazing Health and Welfare
 23 Fund, et al., by and through their counsel of record, Wesley Smith, Esq., stipulate and agree as
 24 follows.

1 **Whereas** Z-Glass, Inc. filed a Counterclaim against Plaintiffs on March 5, 2018 [ECF
2 No. 46] ("Counterclaim").

3 **Whereas** Plaintiffs filed a Motion to Dismiss the Counterclaim on March 23, 2018
4 [ECF No. 52] ("Motion to Dismiss").

5 **Whereas** in light of the arguments stated in the Motion to Dismiss, specifically
6 Plaintiffs citation to *Carpenters Health & Welfare Trust Fund v. Bla-Delco Constr.*, 8 F.3d
7 1365, 1369 (9th Cir. 1993), Z-Glass, Inc. agrees that the Counterclaim should be dismissed
8 without prejudice.

9 **It Is Hereby Stipulated** that the Counterclaim filed by Zglass, Inc. on March 5, 2018
10 [ECF No. 46] be dismissed without prejudice.

11 **It Is Further Stipulated** The Motion to Dismiss [ECF No. 52] is hereby withdrawn,
12 as moot, with leave to refile should the Counterclaim be reasserted.

13 SO STIPULATED

SO STIPULATED

14 DATED this 6th day of April, 2018.

DATED this 6th day of April, 2018.

15 MINCIN LAW, PLLC

CHRISTENSEN JAMES & MARTIN

17 By: /s/ David Mincin
18 David Mincin, Esq.
19 State Bar No.5427
20 7465 W. Lake Mead Boulevard, #100
21 Las Vegas, Nevada 89128
22 *Attorney for Z-Glass, Inc.,*
23 *Zetian Systems, Inc.,*
24 *and Zetian Systems West, Inc.*

By: /s/ Wesley Smith
Wesley Smith, Esq.
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7440 W. Sahara Avenue
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Attorney for Board of Trustees of
the Glazing Health and Welfare
Fund, et al.

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ORDER

Based on the foregoing Stipulation between the parties [ECF No. 69],

IT IS HEREBY ORDERED that the Counterclaim filed by Zglass, Inc. on March 5, 2018 [ECF No. 46] is hereby dismissed without prejudice and The Motion to Dismiss [ECF No. 52] is **DENIED** as moot, with leave to refile should the Counterclaim be reasserted..

DATED this 13th day of April, 2018.



District Court Judge

SUBMITTED BY:

MINCIN LAW, PLLC

By: /s/ David Mincin
David Mincin, Esq.
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7465 W. Lake Mead Boulevard, #100
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Attorney for Defendants

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