

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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JOHN SCHAFFER as TRUSTEE of the LABORERS LOCAL #7  
HEALTH FUND, the LABORERS LOCAL #7 PENSION FUND, the  
LABORERS LOCAL #7 DEFINED CONTRIBUTION FUND and  
the LABORERS LOCAL #7 TRAINING AND EDUCATION  
FUND

Civil Action No: 3:07-CV-1290  
Judge: FJS/DEP

Plaintiffs

**STIPULATION OF  
DISMISSAL**

-vs-

DANIEL J. LYNCH, INC., and KELLY LYNCH,  
Individually

Defendants

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IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for all the parties to the above entitled action, that whereas this action is not a class action, no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued on the merits with prejudice. This stipulation may be filed with the Clerk of the Court without further notice.

Dated: 3/9/09 DAVID A. KLINE, ATTORNEY AT LAW

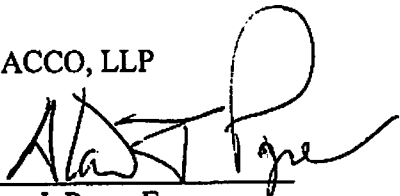
By:



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Dated: \_\_\_\_\_ POPE, SCHRADER & SACCO, LLP

By:

  
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So Ordered:

*Senior*   
US District Judge

Dated:

3/30/09