

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT CINCINNATI**

BOARD OF TRUSTEES of the PLUMBERS,	:	
PIPEFITTERS & MECHANICAL		
EQUIPMENT SERVICE, LOCAL UNION	:	Case No: 14-280
NO. 392 PENSION FUND; BOARD OF		
TRUSTEES of the PLUMBERS, PIPEFITTERS	:	
& MECHANICAL EQUIPMENT SERVICE,		Judge: Barrett
LOCAL UNION NO. 392 HEALTH &	:	
WELFARE FUND; BOARD OF TRUSTEES		
of the PLUMBERS, PIPEFITTERS &	:	
MECHANICAL EQUIPMENT SERVICE,		
LOCAL UNION NO. 392 SUB FUND; BOARD	:	
OF TRUSTEES of the PLUMBERS,		
PIPEFITTERS & MECHANICAL EQUIPMENT	:	STIPULATED ORDER
SERVICE, LOCAL UNION NO. 392		OF DISMISSAL
EDUCATION TRUST FUND; BOARD OF	:	
TRUSTEES of the CINCINNATI PLUMBING		
AND PIPE FITTING INDUSTRY PROMOTION	:	
TRUST FUND; and PLUMBERS, PIPEFITTERS		
& MES, LOCAL UNION NO. 392 U.A.,	:	
Plaintiffs,	:	
vs.	:	
	:	
ACOUSTITHERM, LLC., an Ohio Limited Liability	:	
Company; and JAMES LIVINGSTON,	:	
an Individual; GREAT AMERICAN INSURANCE	:	
COMPANY, an Ohio Corporation,	:	
Defendants.	:	

Plaintiffs, the Board of Trustees of the Plumbers, Pipe Fitters & Mechanical Equipment Service, Local Union No. 392 Pension Fund, et al. (“Trust Funds”), by and through their attorney, Joseph E. Mallon, and the Defendant, Great American Insurance Company, by and through its attorney, James Houston, hereby file this Stipulation of Dismissal pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure as follows:

WHEREAS, on April 3, 2014, Plaintiffs filed their Complaint against Defendants Acoustitherm, LLC, James Livingston and Great American Insurance Company (Docket No. 1);

WHEREAS, on August 26, 2014, Default Judgment was entered against Defendants Acoustitherm, LLC and James Livingston, leaving Defendant Great American Insurance Company as the only current party to this litigation (Docket No. 19);

WHEREAS, Plaintiffs filed suit on October 1, 2014 in the Court of Common Pleas in Hamilton County, Ohio against Defendant Great American Insurance Company for breach of contract and bad faith refusal.

WHEREAS, the Plaintiffs desire to dismiss Great American Insurance Company from this lawsuit without prejudice;

WHEREFORE, the Plaintiffs and Defendant Great American Insurance Company hereby stipulate to the dismissal of the lawsuit as to the Defendant Great American Insurance Company without prejudice, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure.

s/ Michael R. Barrett

UNITED STATES DISTRICT JUDGE

Respectfully submitted,

Board of Trustees of the Plumbers, Pipe
Fitters & Mechanical Equipment Service,
Local Union No. 392 Pension Fund, et al

Great American Insurance Company

/s/ Joseph E. Mallon
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