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2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF WASHINGTON

4 BOARD OF TRUSTEES OF THE
5 NORTHWEST PLUMBING AND
6 PIPEFITTING INDUSTRY HEALTH
7 WELFARE AND VACATION
8 TRUST, et al.,

9 Plaintiffs,

10 v.

11 DAY & NIGHT MECHANICAL
12 HEATING & COOLING, INC., UBI
13 No. 603126019, a Washington
14 Corporation, et al.,

15 Defendants.
16

No. CV-13-0173-JTR

ORDER GRANTING STIPULATED
MOTION TO DISMISS

17 **BEFORE THE COURT** is the parties' stipulated motion for voluntary
18 dismissal of Defendants Blew's Construction, Inc., and Travelers Casualty and
19 Surety Company of America with prejudice and without costs. ECF No. 36.
20 Attorney Noelle E. Dwarzski represents Plaintiffs; Defendants Blew's
21 construction, Inc., and Travelers Casualty and Surety Company of America are
22 represented by Richard Duncan Campbell. The parties have consented to proceed
23 before a magistrate judge. ECF No. 28.

24 After considering the file, and proposed order, **IT IS ORDERED:**

25 1. The parties' Stipulated Motion for Voluntary Dismissal of Defendants
26 Blew's construction, Inc., and Travelers Casualty and Surety Company of America
27 with prejudice and without costs, **ECF No. 36**, is **GRANTED**.

1 2. Defendant Blew's Construction, Inc., is **DISMISSED WITH**
2 **PREJUDICE** and without costs or fees to any party.

3 3. Defendant Travelers Casualty and Surety Company of America is
4 **DISMISSED WITH PREJUDICE** and without costs or fees to any party.

5 Because former Defendant Central Valley School District #356 was
6 dismissed without prejudice on October 25, 2013, ECF No. 27, the only remaining
7 Defendant in this lawsuit is Day & Night Mechanical Heating & Cooling, Inc.
8 Defendant Day & Night Mechanical Heating & Cooling, Inc., has yet to make an
9 appearance in this matter, and a motion for default judgment against Defendant
10 Day & Night Mechanical Heating & Cooling, Inc., is currently pending. ECF No.
11 32. The motion for default judgment is noted for hearing, without oral argument,
12 on May 21, 2014.

13 **IT IS SO ORDERED.** The District Court Executive is directed to file this
14 Order and provide copies to counsel for Plaintiffs and Defendants.

15 DATED April 11, 2014.

A handwritten signature in black ink, appearing to read "M" or "Rodgers".

JOHN T. RODGERS
UNITED STATES MAGISTRATE JUDGE