

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

William K. Suter
Clerk of the Court
(202) 479-3011

FILED

November 5, 2010

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LEONARD GREEN, Clerk

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655 West Broadway, Suite 1900
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1301 Avenue of the Americas
New York, NY 10019-6092


**Re: The Laborers District Council Construction Industry
Pension Fund, et al.
v. Omnicare, Inc., et al.
No. 09-1400**

Dear Counsel:

Enclosed are certified copies of the stipulation to dismiss the petition for writ of certiorari, filed on November 5, 2010, and the order of dismissal pursuant to Rule 46.1. of the Rules of this Court.

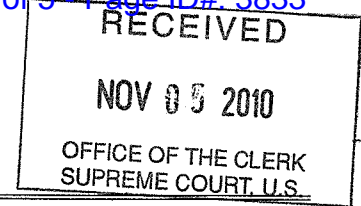
Sincerely,

WILLIAM K. SUTER, Clerk

by 
Elizabeth Brown
Judgments/Mandates Clerk

Enc.

cc: Clerk, United States Court of Appeals
for the Sixth Circuit (Your docket No. 07-6379)



No. 09-1400

IN THE
SUPREME COURT OF THE UNITED STATES

THE LABORERS DISTRICT COUNCIL CONSTRUCTION INDUSTRY
PENSION FUND, AND THE CEMENT MASONS LOCAL 526 COMBINED
FUNDS, On Behalf of Themselves and All Others Similarly Situated,

Petitioners,

vs.

OMNICARE, INC., JOEL F. GEMUNDER, DAVID W. FROESEL, JR.,
CHERYL D. HODGES, EDWARD L. HUTTON AND SANDRA E. LANEY,

Respondents.

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the Sixth Circuit

STIPULATED DISMISSAL PURSUANT TO RULE 46.1

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& DOWD LLP
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Counsel for Petitioners

Petitioners, The Laborers District Council Construction Industry Pension Fund and The Cement Masons Local 526 Combined Funds, hereby stipulate with Respondents, Omnicare, Inc., Joel F. Gemunder, David W. Froesel, Jr., Cheryl D. Hodges, Edward L. Hutton, and Sandra E. Laney, that this case be dismissed, pursuant to Supreme Court Rule 46.1, with each party to bear its own costs.

DATED: ^{November 3} ~~October~~ __, 2010

Respectfully submitted,

ROBBINS GELLER RUDMAN
& DOWD LLP
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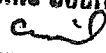


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Attorneys for Respondents

A True copy WILLIAM K. SUTER
Test:
Clerk of the Supreme Court of the United States
By 
Chief Deputy