

FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

S & H PACKING & SALES CO., INC.,
DBA Season Produce Co., a
California corporation,

Plaintiff,

and

G. W. PALMER & CO., INC.; ANDREW
& WILLIAMSON SALES CO., INC.,
DBA Andrew & Williamson Fresh
Produce; EAST COAST BROKERS AND
PACKERS, INC.; GARGIULO, INC.,

Plaintiffs-Appellants,

v.

TANIMURA DISTRIBUTING, INC., a
California corporation,

Defendant,

and

AGRICAP FINANCIAL CORPORATION,
a Delaware corporation,

Defendant-Appellee.

No. 14-56059

D.C. No.
2:08-cv-05250-
GW-FFM

S & H PACKING & SALES CO., INC.,
DBA Season Produce Co., a
California corporation,
Plaintiff,

and

APACHE PRODUCE CO., INC., DBA
Plain Jane, an Arizona corporation;
O.P. MURPHY PRODUCE CO., INC.,
DBA Murphy & Sons, a Texas
corporation; OCEANSIDE PRODUCE,
INC., a California corporation;
WILSON PRODUCE, LLC, an Arizona
Limited liability company; FRANK
DONIO, INC.; ABBATE FAMILY
FARMS LIMITED PARTNERSHIP;
J.P.M. SALES CO., INC., an Arizona
corporation,
Plaintiffs-Appellants,

THOMSON INTERNATIONAL, INC.,
assignee, Tanimura Distributing,
Inc.,
Creditor-Appellant,

v.

TANIMURA DISTRIBUTING, INC.,
Defendant,

and

No. 14-56078

D.C. No.
2:08-cv-05250-
GW-FFM

ORDER

AGRICAP FINANCIAL CORPORATION,
a Delaware corporation,
Defendant-Appellee.

Filed June 23, 2017

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that these cases be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel disposition in these cases shall not be cited as precedent by or to any court of the Ninth Circuit.