

FILED

JUN 23 2017

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

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

Central District of California,
Los Angeles

ORDER

**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

Central District of California,
Los Angeles

**AGRICAP FINANCIAL
CORPORATION, a Delaware
corporation,**

Defendant-Appellee.

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.