

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

GREENLINE INDUSTRIES, INC.,

Plaintiff,

v.

AGRI-PROCESS INNOVATIONS, INC.; and
AP FABRICATIONS, LLC, f/k/a/
GREENLINE FABRICATIONS, LLC,

Defendants.

No. C 08-2438 CW

ORDER
TRANSFERRING THE
CASE TO THE
UNITED STATES
DISTRICT COURT
FOR THE EASTERN
DISTRICT OF
ARKANSAS

_____ /

In the Court's July 28, 2008 Order, the Court concluded "that
API/APF'S Arkansas suit has priority for purposes of the first to
file rule. Therefore, the Court defers to the Eastern District of
Arkansas to decide the appropriate forum and whether an exception
to the first-to file rule is applicable." The Court also noted

1 that "[i]f the Arkansas court denies GIL's motion to transfer, the
2 parties shall notify the Court. The case will be transferred to
3 the Eastern District of Arkansas and API/APF may raise their
4 standing arguments in that court."

5 On September 4, 2008, the United States District Court for the
6 Eastern District of Arkansas ruled and denied, in its entirety,
7 GIL's motion to dismiss or in the alternative to transfer or stay
8 plaintiffs' substituted complaint.

9 Therefore, the Court orders the instant case transferred to
10 the United States District Court for the Eastern District of
11 Arkansas. The Court also vacates the case management conference
12 set for October 7, 2008.

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14 IT IS SO ORDERED.

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16 Dated: 9/16/08



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CLAUDIA WILKEN
United States District Judge