

1 **Lawrence H. Meuers, Esq. (SBN: 197663)**  
 2 **MEUERS LAW FIRM, P.L.**  
 3 **5395 Park Central Court**  
 4 **Naples, FL 34109**  
 5 **Telephone: (239) 513-9191**  
 6 **Facsimile: (239) 513-9677**  
 7 **lmeuers@meuerslawfirm.com**

8 **Attorneys for the Pacific Tomato Group**

9 **UNITED STATES DISTRICT COURT**  
 10 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**

11 **PACIFIC TOMATO GROWERS, LTD., et**  
 12 **al.,**  
 13 **Plaintiffs,**  
 14 **vs.**  
 15 **KIRBY T. TANIMURA, et al.**  
 16 **Defendants.**

17 **Case No.: CV 08-5100-GW(FFMx)**  
 18  
 19 **HONORABLE GEORGE H. WU**

20 **S & H PACKING & SALES CO., INC., et al.,**  
 21 **Plaintiffs,**  
 22 **vs.**  
 23 **KIRBY T. TANIMURA, et al.**  
 24 **Defendants.**

25 **Case No. CV 08-5250-GW(FFMx)**

26 **NATIONAL COMMERCIAL RECOVERY,**  
 27 **INC.**  
 28 **Plaintiffs,**  
 29 **vs.**  
 30 **KIRBY T. TANIMURA, et al.**  
 31 **Defendants.**

32 **Case Nos. CV 08-6046-GW(FFMx)**

1 THIS MATTER comes before the Court for entry of final judgment for the reasons set forth in  
2 the Court's Memorandum Opinion of November 13, 2012, and with the parties in the above  
3 consolidated actions, namely the Pacific Tomato Group<sup>1</sup>, the S & H Packing & Sales Group<sup>2</sup>, the  
4 G.W. Palmer Group<sup>3</sup>, and National Commercial Recovery, Inc. (collectively the "PACA Trust  
5 Creditor Plaintiffs"), and Agricap Financial Corporation, having consented to the form of this Final  
6 Judgment, the Court now enters judgment pursuant to Federal Rule of Civil Procedure 58(a):  
7

8 **ORDERED, ADJUDGED AND DECREED** that Judgment is hereby entered in these  
9 consolidated actions, as follows:

10 A. Judgment is entered in favor of defendant Agricap Financial Corporation and against  
11 PACA Trust Creditor plaintiffs as to all claims asserted by PACA Trust Creditor Plaintiffs against  
12 Agricap Financial Corporation;  
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15 \_\_\_\_\_  
16 <sup>1</sup> The Pacific Tomato Group consists of Pacific Tomato Growers, Ltd., Malena Produce, Inc.,  
17 Westlake Distributors, Inc. d/b/a Westlake Produce Company, Tomato Thyme Corporation, Maui  
18 Fresh International, LLC, MJ International Marketing, LLC d/b/a Fresh Farms, Go-Fresh Produce,  
19 Inc., Natural Selection Foods, LLC d/b/a Earthbound Farms, Cris-P Produce Co., Inc., Giumarra  
20 Brothers Fruit Company, LLC, Diversified Distributors, Inc., and Interfresh, Inc.

21 <sup>2</sup> The S & H Packing & Sales Group consists of Plaintiffs S & H Packing & Sales Co., Inc.,  
22 Apache Produce Co., Inc. d.b.a Plain Jane, Baloian Packing, Inc. d.b.a Baloian Farms, Bionova  
23 Produce, Inc., Central California Tomato Growers Cooperative, Inc., Delta Fresh, LLC, Expo Fresh,  
24 LLC, Yolanda Torre d.b.a Far Side Farms, Guy E. Maggio, Jr., Inc., d.b.a GM Distributing, Horwath  
25 & Co., Inc. d.b.a Gonzales Packing Co., J&A International, Inc., Wayne M. Nakaji d.b.a J. Michael  
26 & Co., JPM Sales Co., Inc., Keber Distributing, Inc., Kern Ridge Growers, LLC, Live Oak Farms,  
27 M&M Distributors, Inc., OP Murphy Produce Co., Inc. d.b.a OP Murphy & Sons, Oceanside Produce,  
28 Inc., Orange County Produce, LLC, Doud & Associates, Inc., d.b.a Pacific Coast Produce, Prestige  
Produce, Inc., Produce Supply, Inc., Royal Flavor, LLC, Seacoast Distributing, Inc., Sunrise Growers,  
Inc., Valmar International Produce Growers, Inc., Veggifruit, Inc., and Wilson Produce, LLC, and  
Intervening Plaintiffs Riverside Distributing, Ltd., Frank Donio, Inc., I&T Produce Co., Inc., and  
Abbate Family Farms Limited Partnership

<sup>3</sup> The G.W. Palmer Group consists of Andrew & Williamson Sales Co., Inc. d/b/a Andrew  
& Williamson Fresh Produce, Gargiulo, Inc., G.W. Palmer & Co., Inc., and East Coast Brokers &  
Packers, Inc.

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B. All pending motions are denied as moot and all counterclaims and cross-claims are dismissed. The Clerk shall enter judgment forthwith.

DATED: June 5, 2014



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Hon. George H. Wu  
United States District Judge