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JS-6

**UNITED STATES DISTRICT COURT**

**CENTRAL DISTRICT OF CALIFORNIA - EASTERN DIVISION**

SOUTH MILL MUSHROOM, LLC,  
*et al.*,

Plaintiffs,

vs.

RAIN FOREST PRODUCE, INC., et  
al.,

Defendants.

Case No: 5:20-cv-00217 JGB (KKx)

**JUDGMENT AND ORDER FOR  
THE COURT TO RETAIN  
JURISDICTION TO ENFORCE THE  
ORDER GRANTING STIPULATION  
FOR PACA TRUST CLAIMS  
PROCEDURE**

AND INTERVENING  
COMPLAINTS

1 Before this Court is the Stipulation for Judgment and for the Court to Retain  
2 Jurisdiction to Enforce the Order Granting Stipulation for PACA Trust Claims  
3 Procedure filed by the South Mill Group<sup>1</sup>; the Best Buy Group<sup>2</sup>; Intervening  
4 Plaintiff, National Commercial Recovery, Inc. d/b/a Blair Smith and Associates<sup>3</sup>;  
5 C.H. Robinson Worldwide, Inc., d/b/a C.H. Robinson Company, Inc., d/b/a C.H.  
6 Robinson Company, d/b/a C.H. Robinson, Inc., d/b/a Robinson Fresh; Forest  
7 Mushroom Food, Inc., d/b/a Guans Mushroom Co.; Papaya Fresh, Inc. (collectively,  
8 the “Creditors”) and Defendants, Rain Forest Produce, Inc. (“Rain Forest”),  
9 Fernando Pantoja, and Anthony (Tony) Perez. This Court has reviewed the  
10 Stipulation, and been fully advised in the premises,  
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16 <sup>1</sup> The South Mill Group consists of Plaintiffs, South Mill Mushroom, LLC d/b/a Champ’s  
17 Mushrooms; La Sucursal Produce, Inc.; Coliman Produce, Inc.; Treto’s Inc.; and Antelope  
18 Distributing, Inc.

19 <sup>2</sup> The Best Buy Group consists of Intervening Plaintiffs, Best Buy Produce, Int’l, Inc.;  
20 Coast Distributors, Inc., d/b/a Coast Tropical; Coast Citrus Distributors, Inc., d/b/a  
21 Olympic Fruit & Vegetable; Excell Prod. Inc., Belle Ami Produce, Inc., d/b/a Great Earth  
22 Produce; Shapiro-Gilman-Shandler Co.; Riverfront Produce Company, LLC; Umina Bros.,  
23 Inc.; V.I.P. Marketing, Inc.; Del Fresh Produce, Inc.; Pacific Trellis Fruit, LLC; R & C  
24 Berndt, Inc., d/b/a Sierra Produce; South Valley Mushroom Farm, Inc.; Marikian Produce  
25 Company, Inc.; Stella Distributing, Inc.; G.W. Palmer & Co., Inc.; Pacific Fresh Produce,  
26 Inc.; Kern Ridge Growers, LLC; Val-Produce, Inc., d/b/a Valley Fruit & Produce Co.;  
27 Calvera, Inc.; U.S. Farm Produce Corporation, d/b/a Central Produce; L.A. Vegetable, Inc.;  
28 Fresh Quality Produce, Inc.; Brandt Farms, Inc.; Mountain High Potato & Onion, Inc.;  
Dimetri Gardikas Produce Co., Inc.; Cal Fresco, LLC; Cal Pine Distributors, LP; and  
Michael Cutler of California, Inc.

<sup>3</sup> As Assignee of Brand Produce, Inc.; Maui Fresh Int’l., LLC; A&F Distributing Corp.;  
Marquez Produce, Inc.; No Limits Produce, Inc.; and, Peter Chhoeu Enterprises, Inc.,  
d/b/a Greenfield Produce Imports.

**IT IS ORDERED:**

**FINDINGS OF FACT**

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1. This Court’s Order Granting Stipulation for PACA Trust Claims Procedure (the “PACA Claim Order”) established a procedure for the identification of holders of valid trust claims under the Perishable Agricultural Commodities Act of 1930, as amended, 7 U.S.C. §499e(c) (“PACA”) against Rain Forest [DE 25].

2. The Creditors filed and served their Proofs of Claim as follows:

| <b>CLAIMANT</b>                      | <b>DOCKET NO.</b> |
|--------------------------------------|-------------------|
| South Mill Mushroom, LLC             | 70                |
| Antelope Distributing, Inc.          | 71                |
| Coliman Produce, Inc.                | 72                |
| La Sucursal Produce, Inc.            | 74                |
| Treto’s Inc.                         | 75                |
| Brand Produce, Inc.                  | 28, 30            |
| Maui Fresh Intl, Inc.                | 28, 30            |
| A&F Distributing Corp.               | 28, 30            |
| Marquez Produce, Inc.                | 28, 30            |
| No Limits Produce, Inc.              | 28, 30            |
| Peter Chhoeu Enterprises, Inc.       | 28, 30            |
| C.H. Robinson Worldwide, Inc.        | 33                |
| Belle Ami Produce, Inc.              | 52                |
| Best Buy Produce International, Inc. | 53                |
| La Vegetable, Inc.                   | 54                |
| Marikian Produce Company, Inc.       | 56                |
| Michael Cutler of California, Inc.   | 57                |
| Brandt Farms Inc.                    | 58                |
| Mountain High Potato & Onion, Inc.   | 59                |
| Pacific Fresh Produce, Inc.          | 61                |
| Cal Fresco, LLC                      | 62                |
| Pacific Trellis Fruit, LLC           | 63                |
| R & C Berndt, Inc.                   | 64                |
| Riverfront Produce Company, LLC      | 65                |

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|----|--|--------|
| 1  | Shapiro-Gilman Shandler Co.  | 66     |
| 2  | South Valley Mushroom Farm, Inc.   | 67     |
| 3  | Cal Pine Distributors, LP  | 68     |
| 4  | Stella Distributing, Inc.  | 69     |
| 5  | U.S. Farm Produce Corporation  | 73     |
| 6  | Umina Bros., Inc.  | 76     |
| 7  | VIP Marketing, Inc.  | 77     |
| 8  | Calvera, Inc.  | 80     |
| 9  | Coast Citrus Distributor, Inc., d/b/a Coast Tropical                         | 81     |
| 10 | Coast Citrus Distributor, Inc., d/b/a Olympic Fruit & Vegetable Distributors | 82     |
| 11 | Del Fresh Produce, Inc.  | 83     |
| 12 | Dimetri Gardikas Produce Co., Inc.   | 85     |
| 13 | Excell Produce, Inc.   | 86     |
| 14 | Fresh Quality Produce, Inc.  | 87     |
| 15 | G.W. Palmer & Co., Inc.  | 88     |
| 16 | Kern Ridge Growers, LLC  | 89     |
| 17 | Val-Pro, Inc.  | 90     |
| 18 | Papaya Fresh, Inc.   | 55     |
| 19 | Forest Mushroom Food, Inc.   | 37, 78 |

3. The Creditors also filed a Complaint, an Amended Complaint, Complaints-in-Interventions, and/or Amended Complaints-in-Intervention [DE 1, 27, 29, 31, 35, 40, 42, 51].

4. During the transactions subject to their claims, the Creditors:

a. Sold perishable agricultural commodities, as defined under PACA, to Rain Forest, in interstate commerce;

b. Held valid PACA licenses issued by the United States Department of Agriculture (“USDA”); and

c. Included the required statutory statement under PACA on the

1 face of their invoices and timely sending them to Rain Forest.

2 *See, Creditors' PACA Proofs of Claim.*

3 5. During the transactions at issue, Rain Forest held a valid PACA license,  
4 number 20130929, issued by the USDA.

6 6. The Creditors' claims cumulatively total \$1,701,103.78, calculated as  
7 follows:

| <b>CREDITOR</b>                      | <b>CLAIM AMOUNT</b> |
|--------------------------------------|---------------------|
| South Mill Mushroom, LLC             | \$442,456.32        |
| Antelope Distributing, Inc.          | \$ 11,063.84        |
| Coliman Produce, Inc.                | \$ 24,815.82        |
| La Sucursal Produce, Inc.            | \$ 38,074.59        |
| Treto's Inc.                         | \$ 15,981.06        |
| Brand Produce, Inc.                  | \$ 63,687.07        |
| Maui Fresh Intl, Inc.                | \$ 8,160.65         |
| A&F Distributing Corp.               | \$ 25,520.10        |
| Marquez Produce, Inc.                | \$ 9,501.50         |
| No Limits Produce, Inc.              | \$ 4,561.67         |
| Peter Chhoeu Enterprises, Inc.       | \$ 8,625.39         |
| C.H. Robinson Worldwide, Inc.        | \$ 51,312.73        |
| Belle Ami Produce, Inc.              | \$ 88,096.83        |
| Best Buy Produce International, Inc. | \$113,750.11        |
| La Vegetable, Inc.                   | \$ 27,750.98        |
| Marikian Produce Company, Inc.       | \$ 29,586.98        |
| Michael Cutler of California, Inc.   | \$ 9,778.76         |
| Brandt Farms Inc.                    | \$ 41,913.44        |
| Mountain High Potato & Onion, Inc.   | \$ 32,813.92        |
| Pacific Fresh Produce, Inc.          | \$ 8,453.05         |
| Cal Fresco, LLC                      | \$ 49,687.16        |
| Pacific Trellis Fruit, LLC           | \$ 20,134.05        |
| R & C Berndt, Inc.                   | \$ 9,004.06         |
| Riverfront Produce Company, LLC      | \$ 98,883.47        |
| Shapiro-Gilman Shandler Co.          | \$ 8,699.54         |
| South Valley Mushroom Farm, Inc.     | \$ 15,163.02        |

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|----|--|--------------|
| 1  | Cal Pine Distributors, LP  | \$ 6,588.76  |
| 2  | Stella Distributing, Inc.  | \$ 10,295.62 |
| 3  | U.S. Farm Produce Corporation  | \$ 6,058.05  |
| 4  | Umina Bros., Inc.  | \$ 26,060.23 |
| 5  | VIP Marketing, Inc.  | \$ 42,453.65 |
| 6  | Calvera, Inc.  | \$ 10,992.38 |
| 7  | Coast Citrus Distributor, Inc., d/b/a Coast Tropical                         | \$ 34,678.24 |
| 8  | Coast Citrus Distributor, Inc., d/b/a Olympic Fruit & Vegetable Distributors | \$ 16,253.80 |
| 9  | Del Fresh Produce, Inc.  | \$ 51,058.15 |
| 10 | Dimetri Gardikas Produce Co., Inc.   | \$ 27,696.64 |
| 11 | Excell Produce, Inc.   | \$ 43,754.78 |
| 12 | Fresh Quality Produce, Inc.  | \$ 1,118.76  |
| 13 | G.W. Palmer & Co., Inc.  | \$ 30,710.66 |
| 14 | Kern Ridge Growers, LLC  | \$ 21,765.82 |
| 15 | Val-Pro, Inc.  | \$ 20,552.31 |
| 16 | Papaya Fresh, Inc.   | \$ 71,684.39 |
| 17 | Forest Mushroom Food, Inc.   | \$ 21,905.43 |

18 7. No party objected to the validity or amount of the Creditors' PACA trust claims.

19 8. The Creditors received two interim distributions cumulatively totaling \$1,246,461.69, calculated and applied as follows:

| <b>CREDITOR</b>                | <b>DISTRIBUTION AMOUNT</b> |
|--------------------------------|----------------------------|
| 20 South Mill Mushroom, LLC    | \$324,204.08               |
| 21 Antelope Distributing, Inc. | \$ 8,106.89                |
| 22 Coliman Produce, Inc.       | \$ 18,183.47               |
| 23 La Sucursal Produce, Inc.   | \$ 27,898.66               |
| 24 Treto's Inc.                | \$ 11,709.92               |
| 25 Brand Produce, Inc.         | \$ 46,665.87               |
| 26 Maui Fresh Intl, Inc.       | \$ 5,979.61                |
| 27 A&F Distributing Corp.      | \$ 18,699.52               |
| 28 Marquez Produce, Inc.       | \$ 6,962.10                |
| No Limits Produce, Inc.        | \$ 3,342.50                |

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| 1  | Peter Chhoeu Enterprises, Inc.   | \$ 6,320.14  |
| 2  | C.H. Robinson Worldwide, Inc.  | \$ 37,598.74 |
| 3  | Belle Ami Produce, Inc.  | \$ 64,551.81 |
| 4  | Best Buy Produce International, Inc.   | \$ 83,348.92 |
| 5  | La Vegetable, Inc.   | \$ 20,334.17 |
| 6  | Marikian Produce Company, Inc.   | \$ 21,679.48 |
| 7  | Michael Cutler of California, Inc.   | \$ 7,165.26  |
| 8  | Brandt Farms Inc.  | \$ 30,711.53 |
| 9  | Mountain High Potato & Onion, Inc.   | \$ 24,043.97 |
| 10 | Pacific Fresh Produce, Inc.  | \$ 6,193.87  |
| 11 | Cal Fresco, LLC  | \$ 36,407.62 |
| 12 | Pacific Trellis Fruit, LLC   | \$ 14,752.97 |
| 13 | R & C Berndt, Inc.   | \$ 6,597.61  |
| 14 | Riverfront Produce Company, LLC  | \$ 72,455.58 |
| 15 | Shapiro-Gilman Shandler Co.  | \$ 6,374.48  |
| 16 | South Valley Mushroom Farm, Inc.   | \$ 11,110.50 |
| 17 | Cal Pine Distributors, LP  | \$ 4,827.82  |
| 18 | Stella Distributing, Inc.  | \$ 7,543.98  |
| 19 | U.S. Farm Produce Corporation  | \$ 4,438.95  |
| 20 | Umina Bros., Inc.  | \$ 19,095.30 |
| 21 | VIP Marketing, Inc.  | \$ 31,107.37 |
| 22 | Calvera, Inc.  | \$ 8,054.53  |
| 23 | Coast Citrus Distributor, Inc., d/b/a Coast Tropical                         | \$ 25,410.03 |
| 24 | Coast Citrus Distributor, Inc., d/b/a Olympic Fruit & Vegetable Distributors | \$ 11,909.76 |
| 25 | Del Fresh Produce, Inc.  | \$ 37,412.20 |
| 26 | Dimetri Gardikas Produce Co., Inc.   | \$ 20,294.35 |
| 27 | Excell Produce, Inc.   | \$ 32,060.74 |
| 28 | Fresh Quality Produce, Inc.  | \$ 819.76    |
|    | G.W. Palmer & Co., Inc.  | \$ 22,502.84 |
|    | Kern Ridge Growers, LLC  | \$ 15,948.62 |
|    | Val-Pro, Inc.  | \$ 15,059.44 |
|    | Papaya Fresh, Inc.   | \$ 52,525.81 |
|    | Forest Mushroom Food, Inc.   | \$ 16,050.92 |

9. During the transactions at issue, Fernando Pantoja and Anthony (Tony) Perez (collectively referred to herein as “the Individual Defendants”) were Rain

1 Forest's officers, directors and co-owners, as well as listed as principals on Rain  
2 Forest's PACA license.

3       10. During all relevant times herein, the Individual Defendants were jointly  
4 and severally responsible for the daily management and control of Rain Forest,  
5 including, without limitation, responsibility for (a) making the financial decisions  
6 for Rain Forest; (b) managing the daily operations of Rain Forest; (c) determining  
7 which Rain Forest creditors would receive payments and the amount(s) and timing  
8 of those payments; (d) withdrawing funds from Rain Forest's banking accounts and  
9 directing the distribution of those funds; (e) buying and selling perishable  
10 agricultural commodities in the name of Rain Forest; and, (f) collecting, depositing  
11 and distributing proceeds from Rain Forest's sale of perishable agricultural  
12 commodities, including those commodities that are the subject of this Stipulation.

13       11. During all times relevant herein, the Individual Defendants were in  
14 positions to and in fact did jointly and severally control Rain Forest's assets,  
15 including the PACA trust assets that are the subject of this Stipulation.

16       12. During all times relevant herein, the Individual Defendants were  
17 statutory trustees under PACA having fiduciary duties to the Creditors to preserve  
18 Rain Forest's PACA trust assets for the benefit of the Creditors until the PACA trust  
19 claims are fully paid.

20       **IT IS FURTHER ORDERED:**



**JUDGMENT**

A. Creditors are perfected trust beneficiaries of Rain Forest Produce, Inc. under Section 5(c) of the Perishable Agricultural Commodities Act of 1930, as amended, 7 U.S.C. §499e(c), in the total of \$454,642.09 plus post-judgment interest pursuant to 28 U.S.C. §1961 until paid in full (the “PACA Trust Amount”), calculated as follows:

| <b>CREDITOR</b>                      | <b>VALID PACA TRUST CLAIM AMOUNT</b> |
|--------------------------------------|--------------------------------------|
| South Mill Mushroom, LLC             | \$118,252.24                         |
| Antelope Distributing, Inc.          | \$ 2,956.95                          |
| Coliman Produce, Inc.                | \$ 6,632.55                          |
| La Sucursal Produce, Inc.            | \$ 10,175.93                         |
| Treto’s Inc.                         | \$ 4,271.14                          |
| Brand Produce, Inc.                  | \$ 17,021.20                         |
| Maui Fresh Intl, Inc.                | \$ 2,181.04                          |
| A&F Distributing Corp.               | \$ 6,820.58                          |
| Marquez Produce, Inc.                | \$ 2,539.40                          |
| No Limits Produce, Inc.              | \$ 1,219.17                          |
| Peter Chhoeu Enterprises, Inc.       | \$ 2,305.25                          |
| C.H. Robinson Worldwide, Inc.        | \$ 13,713.99                         |
| Belle Ami Produce, Inc.              | \$ 23,545.02                         |
| Best Buy Produce International, Inc. | \$ 30,401.19                         |
| La Vegetable, Inc.                   | \$ 7,416.81                          |
| Marikian Produce Company, Inc.       | \$ 7,907.50                          |
| Michael Cutler of California, Inc.   | \$ 2,613.50                          |
| Brandt Farms Inc.                    | \$ 11,201.91                         |
| Mountain High Potato & Onion, Inc.   | \$ 8,769.95                          |
| Pacific Fresh Produce, Inc.          | \$ 2,259.18                          |
| Cal Fresco, LLC                      | \$ 13,279.54                         |
| Pacific Trellis Fruit, LLC           | \$ 5,381.08                          |
| R & C Berndt, Inc.                   | \$ 2,406.45                          |
| Riverfront Produce Company, LLC      | \$ 26,427.89                         |

|  |              |
|--|--------------|
| Shapiro-Gilman Shandler Co.  | \$ 2,325.06  |
| South Valley Mushroom Farm, Inc.   | \$ 4,052.32  |
| Cal Pine Distributors, LP  | \$ 1,760.94  |
| Stella Distributing, Inc.  | \$ 2,751.64  |
| U.S. Farm Produce Corporation  | \$ 1,619.10  |
| Umina Bros., Inc.  | \$ 6,964.93  |
| VIP Marketing, Inc.  | \$ 11,346.28 |
| Calvera, Inc.  | \$ 2,937.85  |
| Coast Citrus Distributor, Inc., d/b/a Coast Tropical                         | \$ 9,268.21  |
| Coast Citrus Distributor, Inc., d/b/a Olympic Fruit & Vegetable Distributors | \$ 4,344.04  |
| Del Fresh Produce, Inc.  | \$ 13,645.95 |
| Dimetri Gardikas Produce Co., Inc.   | \$ 7,402.29  |
| Excell Produce, Inc.   | \$ 11,694.04 |
| Fresh Quality Produce, Inc.  | \$ 299.00    |
| G.W. Palmer & Co., Inc.  | \$ 8,207.82  |
| Kern Ridge Growers, LLC  | \$ 5,817.20  |
| Val-Pro, Inc.  | \$ 5,492.87  |
| Papaya Fresh, Inc.   | \$ 19,158.58 |
| Forest Mushroom Food, Inc.   | \$ 5,854.51  |

B. This Court enters Judgment in the Creditors' favor and against Rain Forest Produce, Inc., Fernando Pantoja, and Anthony (Tony) Perez – jointly and severally - in the amount of \$454,642.09 as separately set forth above, plus post-judgment interest pursuant to 28 U.S.C. §1961 from the date of entry of judgment until paid in full, all of which qualifies for protection under the PACA trust, 7 U.S.C. §499e(c), as follows:

| <b>CREDITOR</b>             | <b>JUDGMENT AMOUNT</b> |
|-----------------------------|------------------------|
| South Mill Mushroom, LLC    | \$118,252.24           |
| Antelope Distributing, Inc. | \$ 2,956.95            |
| Coliman Produce, Inc.       | \$ 6,632.55            |
| La Sucursal Produce, Inc.   | \$ 10,175.93           |

|    |  |              |
|----|--|--------------|
| 1  | Treto's Inc.   | \$ 4,271.14  |
| 2  | Brand Produce, Inc.  | \$ 17,021.20 |
| 3  | Maui Fresh Intl, Inc.  | \$ 2,181.04  |
| 4  | A&F Distributing Corp.   | \$ 6,820.58  |
| 5  | Marquez Produce, Inc.  | \$ 2,539.40  |
| 6  | No Limits Produce, Inc.  | \$ 1,219.17  |
| 7  | Peter Chhoeu Enterprises, Inc.   | \$ 2,305.25  |
| 8  | C.H. Robinson Worldwide, Inc.  | \$ 13,713.99 |
| 9  | Belle Ami Produce, Inc.  | \$ 23,545.02 |
| 10 | Best Buy Produce International, Inc.   | \$ 30,401.19 |
| 11 | La Vegetable, Inc.   | \$ 7,416.81  |
| 12 | Marikian Produce Company, Inc.   | \$ 7,907.50  |
| 13 | Michael Cutler of California, Inc.   | \$ 2,613.50  |
| 14 | Brandt Farms Inc.  | \$ 11,201.91 |
| 15 | Mountain High Potato & Onion, Inc.   | \$ 8,769.95  |
| 16 | Pacific Fresh Produce, Inc.  | \$ 2,259.18  |
| 17 | Cal Fresco, LLC  | \$ 13,279.54 |
| 18 | Pacific Trellis Fruit, LLC   | \$ 5,381.08  |
| 19 | R & C Berndt, Inc.   | \$ 2,406.45  |
| 20 | Riverfront Produce Company, LLC  | \$ 26,427.89 |
| 21 | Shapiro-Gilman Shandler Co.  | \$ 2,325.06  |
| 22 | South Valley Mushroom Farm, Inc.   | \$ 4,052.32  |
| 23 | Cal Pine Distributors, LP  | \$ 1,760.94  |
| 24 | Stella Distributing, Inc.  | \$ 2,751.64  |
| 25 | U.S. Farm Produce Corporation  | \$ 1,619.10  |
| 26 | Umina Bros., Inc.  | \$ 6,964.93  |
| 27 | VIP Marketing, Inc.  | \$ 11,346.28 |
| 28 | Calvera, Inc.  | \$ 2,937.85  |
|    | Coast Citrus Distributor, Inc., d/b/a Coast Tropical                         | \$ 9,268.21  |
|    | Coast Citrus Distributor, Inc., d/b/a Olympic Fruit & Vegetable Distributors | \$ 4,344.04  |
|    | Del Fresh Produce, Inc.  | \$ 13,645.95 |
|    | Dimetri Gardikas Produce Co., Inc.   | \$ 7,402.29  |
|    | Excell Produce, Inc.   | \$ 11,694.04 |
|    | Fresh Quality Produce, Inc.  | \$ 299.00    |
|    | G.W. Palmer & Co., Inc.  | \$ 8,207.82  |
|    | Kern Ridge Growers, LLC  | \$ 5,817.20  |
|    | Val-Pro, Inc.  | \$ 5,492.87  |
|    | Papaya Fresh, Inc.   | \$ 19,158.58 |

1 Forest Mushroom Food, Inc.

\$ 5,854.51

2 C. This Court retains jurisdiction over the PACA Claims Order, as Rain  
3 Forest is attempting to collect additional funds through its Third Party Complaints,  
4 liquidation of its remaining assets, and collection of any outstanding receivables.  
5

6 D. The PACA Trust Account established pursuant to the PACA Claims  
7 Order shall remain in existence after the closure of this case to facilitate the  
8 continued collection of PACA Trust Assets in connection with this matter.  
9

10 E. The professionals identified in the PACA Claims Order shall continued  
11 to comply with the terms of such Order in the handling and distributing of the Assets.  
12

13 F. The PACA Trust Account, as defined in the PACA Claims Order, shall  
14 not be subject to execution, levy or attachment by any creditor without order of this  
15 Court.  
16

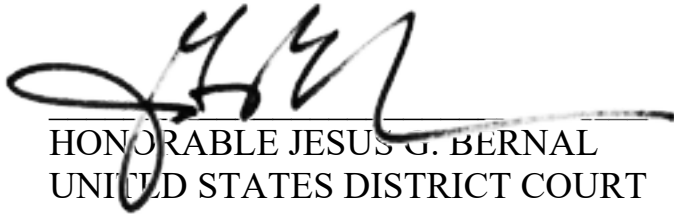
17 G. Every 90 days from the Court's Order granting the parties' Stipulation,  
18 the professionals shall file a Status Update, stating if they have received additional  
19 funds during that 90-day period, whether they anticipate additional distributions, and  
20 how long the Court should keep this case open.  
21

22 H. Nothing in this Stipulation or this Order is or shall be deemed to be a  
23 waiver or release of the Creditors' PACA trust rights or the Creditors' ability to  
24 enforce those PACA trust rights against any person or entity not a party to this  
25  
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1 Stipulation who may be liable to the Creditors for breach of the PACA trust, all such  
2 rights being expressly reserved.

3 IT IS SO ORDERED.

4  
5 DATED: October 12,, 2021

6  
7  
8   
9 HONORABLE JESUS G. BERNAL  
10 UNITED STATES DISTRICT COURT