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 6 UNITED STATES DISTRICT COURT
 7 EASTERN DISTRICT OF CALIFORNIA
 8 FRESNO DIVISION
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10 MANUEL LOPES and MARIANA
 11 LOPES, dba LOPES DAIRY;
 RAYMOND LOPES; JOSEPH LOPES
 12 and MICHAEL LOPES, individually and
 dba WESTSIDE HOLSTEIN; ALVARO
 13 MACHADO and TONY ESTEVAM,

CASE NO. 1:06-CV-01243-OWW-SMS

**ORDER RE MOTIONS FOR SUMMARY
 JUDGMENT FILED BY DOWNEY
 BRAND LLP**

14 Plaintiffs,

15 vs.

16 GEORGE VIEIRA; MARY VIEIRA;
 CALIFORNIA MILK MARKET, a
 17 California Corporation; VALLEY
 GOLD, LLC, a California Limited
 18 Liability Company; GENSKE-
 MULDER, LLP a California Limited
 19 Liability Partnership; ANTHONY
 CARY; DOWNEY BRAND LLP, a
 20 California Limited Liability Partnership;
 CENTRAL VALLEY DAIRYMEN, INC.
 21 a California Food and Agricultural
 Nonprofit Cooperative Association, and
 22 DOES 1 through 25, inclusive,

Place: Department 3
 Judge: Hon. Oliver W. Wanger

Third Amended Complaint
 Filed: November 1, 2010

Trial Date: August 30, 2011

23 Defendants

24 _____ /
 25 Downey Brand LLP (Downey Brand) moves for summary judgment against

26 Plaintiffs Manuel and Mariana Lopes, Raymond Lopes, Joseph and Michael

27 Lopes, and Valley Gold LLC. For the reasons stated in detail in the Court's

28 Memorandum Decision of May 17, 2011, the Court rules as follows:

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1. Plaintiffs' request for clarification of the Court's earlier rulings is DENIED.
2. Plaintiffs' offer of proof regarding expert testimony is REJECTED.
3. Downey Brand's motions for summary judgment as to Manuel and Mariana Lopes, Raymond Lopes, and Joseph and Michael Lopes are GRANTED as to claims regarding Valley Gold's business plan and the Sixth Cause of Action of the Third Amended Complaint. The motions are DENIED as to the Fourth, Seventh, and Eighth Causes of Action.
4. Downey Brand's motion for summary judgment as to the derivative claim asserted on behalf of Valley Gold is GRANTED.

SO ORDERED.

Dated: June 8, 2011

/s/ OLIVER W. WANGER
United States District Judge