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10 Attorneys for Plaintiffs
CARGILL, INCORPORATED and
11 CAN TECHNOLOGIES, INC.

12 UNITED STATES DISTRICT COURT
13 EASTERN DISTRICT OF CALIFORNIA
14 (FRESNO DIVISION)

15 CARGILL, INCORPORATED and CAN
TECHNOLOGIES, INC.,

Case No.: 1:07-CV-00349 LJO

16 Cargill Incorporated et al v. Progressive Dairy Solutions et al

**SUPERSEDEAS BOND TO STAY
EXECUTION OF AMENDED
JUDGMENT OF DECEMBER 11, 2008**

Doc. 466

17 v.

18 PROGRESSIVE DAIRY SOLUTIONS, INC.;
DIVERSIFIED DAIRY SOLUTIONS, LLC;
19 MATTHEW BUDINE; DOUGLAS
DEGROFF; LUCIANA JONKMAN; TODD
20 SCHWEGEL; and BRIAN SUNDBERG,

21 Defendants.

22 AND RELATED COUNTERCLAIMS.
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FILED

JAN 14 2009 *ue*

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

LODGED

JAN 05 2009 *no*

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____ DEPUTY CLERK

1 KNOW ALL MEN BY THESE PRESENTS:

2 That Safeco Insurance Company of America ("Surety"), a corporation created,
3 organized and existing under and by virtue of the laws of the State of Washington, having
4 its principal place of business in the City of Seattle, State of WA, and duly authorized to
5 carry on a general casualty insurance business within the State of California, and in the
6 courts of the United States, is held and firmly bound unto PROGRESSIVE DAIRY
7 SOLUTIONS, INC.; MATTHEW BUDINE; LUCIANA JONKMAN; and BRIAN
8 SUNDBERG, defendants, in the full and just sum of ONE HUNDRED TWO
9 THOUSAND SIXTY AND 80/100 DOLLARS (\$102,060.80), to be paid to the said
10 defendants, their administrators, executors, successors or assigns, to which payment, to
11 be made, it binds itself, its successors and assigns firmly by these presents.

12 WHEREAS, on December 11, 2008, in an action pending in the United States
13 District Court for the Eastern District of California, between CARGILL,
14 INCORPORATED and CAN TECHNOLOGIES, INC., as plaintiffs, and
15 PROGRESSIVE DAIRY SOLUTIONS, INC.; MATTHEW BUDINE; LUCIANA
16 JONKMAN; and BRIAN SUNDBERG, as defendants, Civil Action No. CV 07-0349
17 LJO (SMS), an amended final judgment was rendered in favor of the said defendants and
18 against the said plaintiffs for \$81,648.64 in costs of suit, and the said plaintiffs will file a
19 notice of appeal from such judgment to the United States Court of Appeals for the Ninth
20 Circuit;

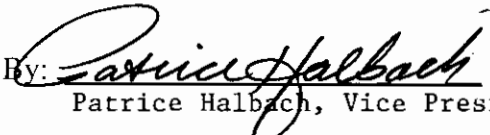
21 NOW, THEREFORE, the condition of this obligation is, that both the Plaintiffs
22 and Surety are bound to satisfy in full the Amended Judgment of the District Court, if for
23 any reason the appeal is dismissed or if the Amended Judgment is affirmed. Plaintiffs
24 and Surety are bound also to satisfy in full any modification of the judgment ordered by
25 the Court of Appeals, or, if the Amended Judgment should be affirmed only in part, to
26 satisfy that part of the Amended Judgment affirmed, including costs, interest and
27 damages as the Court of Appcals may adjudge and award.

1 Should the Plaintiffs, CARGILL, INCORPORATED and CAN
2 TECHNOLOGIES, INC., satisfy the Amended Judgment as described above, all
3 obligations under this bond shall be discharged. Should the Plaintiffs, CARGILL,
4 INCORPORATED and CAN TECHNOLOGIES, INC., fail to satisfy the Judgment as
5 described above, all obligations under this bond, including the obligation of Safeco
6 Insurance Company of America, the Surety, to satisfy the judgment, shall remain in full
7 force and effect.

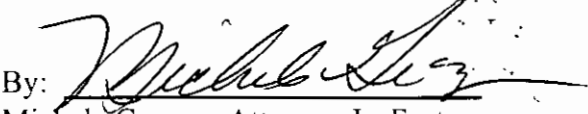
8 Safeco Insurance Company of America, as Surety, hereby submits itself to the
9 jurisdiction of the above-named District Court and irrevocably appoints the clerk thereof
10 as its agent upon whom any papers affecting the Surety's liability on this bond may be
11 served. This obligation is subject to all applicable federal statutes and rules.

12 Signed and sealed this 28th day of December, 2008.

13 CARGILL INCORPORATED

14
15 By: 
16 Patrice Halbach, Vice President

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18 SAFECO INSURANCE COMPANY OF
19 AMERICA

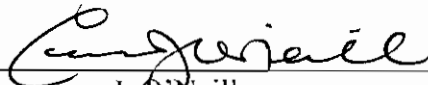
20
21 By: 
22 Michele Grogan, Attorney-In-Fact
23 [Note: Attach authenticated power of attorney
24 appointing the agents or officers executing bond
25 to act on behalf of the Surety.]

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28 **APPROVAL OF SUPERSEDEAS BOND**

The foregoing Supersedeas Bond is hereby approved and execution of the December 11,

1 2008 Amended Judgment is hereby stayed pending resolution of Plaintiffs' appeal.

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3 1-14-09

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Lawrence J. O'Neill
United States District Judge

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