

1 ROBERT A. BLEICHER (SBN 111334)
HOLLAND & KNIGHT LLP
 2 50 California Street, 28th Floor
 San Francisco, California 94111
 3 Telephone: (415) 743-6900
 Facsimile: (415) 743-6910

4
 5 SETH H. ROW (*Admitted pro hac vice*)
HOLLAND & KNIGHT LLP
 2300 US Bancorp Tower
 6 111 SW Fifth Avenue
 7 Portland, Oregon 97204
 Telephone: (503) 527-2931
 8 Facsimile: (503) 241-8014

9 Attorneys for Plaintiffs
 AMEROPA AG and
 10 AMEROPA NORTH AMERICA, INC.

11
 12 IN THE UNITED STATES DISTRICT COURT
 13 EASTERN DISTRICT OF CALIFORNIA
 14 FRESNO DIVISION

15
 16 AMEROPA AG; AMEROPA NORTH
 17 AMERICA, INC,

18 Plaintiffs,

19 v.

20 MOORE AGRICULTURAL PRODUCTS
 21 COMPANY, INC.,

22 Defendant.

No.: 1:07-CV-01182-OWW-NEW

**STIPULATED PRELIMINARY
 INJUNCTION ORDER**

23
 24 THE PARTIES in this matter, AMEROPA AG and AMEROPA NORTH AMERICA,
 25 INC. ("Ameropa") and defendant MOORE AGRICULTURAL PRODUCTS, INC. ("Moore"),
 26 hereby stipulate and agree to a Preliminary Injunction to maintain the status quo pending the
 27 completion and execution of an agreement that has been reached between the parties, the terms
 28 of which are as follows: Moore shall purchase, via wire transfer to Ameropa, all quantities of

1 zinc sulphate powder now existing at Moore's Hanford, California facility. Payment shall made
2 at the agreed-upon price of \$1,212.42 per metric ton. Payment shall be made within one
3 business day of receipt by the parties of a report by Marine Technical Surveyors (MTS) setting
4 forth the exact quantity of powder zinc sulphate at the Hanford, California facility, for the full
5 amount of powder zinc sulphate as reported by MTS.

6 NOW, THEREFORE, the parties having stipulated to the entry of an Order for the relief
7 set forth below, the August 24, 2007 hearing on the Court's Order to Show Cause Re:
8 Preliminary Injunction (Ct. Rec. 21) is hereby CANCELLED,

9 AND, pursuant to Rule 65, Fed. R. Civ. P., it is ORDERED, that MOORE, its officers,
10 agents, employees and attorneys and all those in active concert or participation with it or them
11 who have received actual notice of this Order ARE HEREBY RESTRAINED AND ENJOINED,
12 from: disposing of, using, processing, dissipating, contaminating, wasting, diverting, removing,
13 or destroying, any of the product (zinc sulphate powder) shipped by AMEROPA to MOORE's
14 Hanford, California facility, pending execution and completion of the wire transfer set forth in
15 the agreement by the parties above, or failing completion of such transaction, arbitration of this
16 action.

17
18 Dated: August 22, 2007

19
20 _____/s/ Oliver W. Wanger_____
21 UNITED STATES DISTRICT JUDGE
22 OLIVER W. WANGER

23 The entry of the Order set forth herein is stipulated to this ____ of August, 2007, by:
24 HOLLAND & KNIGHT LLP

25
26 By: _____
27 Robert A. Bleicher

28 Attorneys for Plaintiffs
AMEROPA AG and AMEROPA NORTH AMERICA, INC.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

The entry of the Order set forth herein is stipulated to this ____ of August, 2007, by:
MOORE AGRICULTURAL PRODUCTS COMPANY, INC.

By: _____
Name
Its: _____
Title

Approved as to form this _____ day of August, 2007, by:
KLEIN, DENATALE, GOLDNER, COOPER, ROSEN & KIMBALL LLP

By: _____
T. Scott Belden
Attorneys for Defendant
MOORE AGRICULTURAL PRODUCTS COMPANY, INC.

4747527_v1