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14 Attorneys for Plaintiffs DELANO FARMS COMPANY; FOUR
15 STAR FRUIT, INC.; GERAWAN FARMING, INC.; and for
16 Third-Parties RB SANDRINI, INC., RB SANDRINI FARMS,
17 L.P., RICHARD B. SANDRINI, and LAWRENCE LUDY

18 [Additional counsel listed on signature page]

19 **UNITED STATES DISTRICT COURT**
20 **EASTERN DISTRICT OF CALIFORNIA**

21 DELANO FARMS COMPANY; FOUR STAR)	Case No. 1:07-cv-01610-LJO-JLT
22 FRUIT, INC.; GERAWAN FARMING, INC.,)	
23)	
24 Plaintiffs,)	STIPULATION REGARDING USE OF
25)	DISCOVERY FROM PRIOR
26 v.)	LITIGATION
27)	
28 THE CALIFORNIA TALE GRAPE)	
COMMISSION; UNITED STATES OF)	
AMERICA; UNITED STATES DEPARTMENT)	
OF AGRICULTURE; TOM VILSACK,)	
SECRETARY OF AGRICULTURE (IN HIS)	
OFFICIAL CAPACITY))	
29)	
30 Defendants.)	

31 WHEREAS, the lawsuit *California Table Grape Commission v. R.B. Sandrini, et al.*, No.
32 1:06-cv-00842-OWW-TAG (E.D.Cal.) (the “*Sandrini Case*”), involved some issues common to
33 those in the present lawsuit, and the parties to this case wish to avoid the unnecessary duplication of
34 discovery efforts already expended in the prior litigation;

35 WHEREAS, Defendant the California Table Grape Commission (“Commission”) was

1 previously a party to, and produced documents in, the *Sandrini* Case;

2 WHEREAS, Defendant United States Department of Agriculture produced documents
3 pursuant to a third-party subpoena in the *Sandrini* Case;

4 WHEREAS, third parties RB Sandrini, Inc., RB Sandrini Farms, L.P., and Richard B.
5 Sandrini were previously parties to, and produced documents in, the *Sandrini* Case;

6 WHEREAS, third party Lawrence Ludy produced documents in the *Sandrini* Case;

7 WHEREAS, information in certain documents and deposition transcripts in the *Sandrini*
8 Case, as well as other documents containing that information, were designated as Confidential under
9 the Stipulated Protective Order Regarding Confidential Discovery entered in the *Sandrini* case on
10 November 13, 2006;

11 WHEREAS, certain documents containing confidential information were filed under seal in
12 the *Sandrini* case;

13 WHEREAS, the Protective Order in the *Sandrini* case states that Confidential materials may
14 be shared with “[o]thers, if the parties so agree in writing or orally on the record”;

15 WHEREAS, the Protective Order in the *Sandrini* case states that “Confidential Materials
16 may be used or disseminated by the parties receiving them only for purposes of prosecuting and
17 defending these actions”;

18 WHEREAS, the Scheduling Order entered in this case on February 16, 2012 states: “The
19 parties agree that the discovery adduced in the Sandrini matter may be used in this litigation. The
20 parties SHALL NOT duplicate this discovery but may, as needed, seek additional discovery on
21 topics implicated by the Sandrini discovery”;

22 IT IS HEREBY STIPULATED by the parties to this case, and by third parties RB Sandrini,
23 Inc., RB Sandrini Farms, L.P., Richard B. Sandrini and Lawrence Ludy, through their respective
24 counsel, subject to approval by the Court, as follows:

25 1. Any documents produced during discovery in the *Sandrini* Case may be used in the
26 present lawsuit as though such documents were produced during the course of discovery in the
27 present lawsuit and need not be produced again;

28 2. Any deposition testimony given by any party or third party witness during discovery

1 in the *Sandrini* case may be used in the present lawsuit as though such testimony was provided
2 during the course of discovery in the present lawsuit;

3 3. Counsel for the Commission and counsel for the third parties that produced
4 documents in the *Sandrini* Case may provide documents produced in the *Sandrini* case to the parties
5 to this case; and

6 4. The documents and deposition transcripts subject to this stipulation that were
7 previously designated “Confidential” under the Stipulated Protective Order entered in the *Sandrini*
8 case shall be governed by the Stipulated Protective Order entered in the present litigation as though
9 such materials were designated “Confidential” under the Stipulated Protective Order entered in this
10 litigation.

11 By stipulating hereto, the parties are not waiving any objections regarding the admissibility
12 of any evidence.

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1 DATED: May 14, 2012

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21 /s/ Lawrence M. Hadley (as authorized 5-14-12)

22 By _____
23 Lawrence M. Hadley

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26 GERAWAN FARMING, INC.; and for Third-
27 Parties RB SANDRINI, INC., RB SANDRINI
28 FARMS, L.P., RICHARD SANDRINI, and
LAWRENCE LUDY

1 DATED: May 14, 2012

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9 /s/ John Fargo (as authorized 5-14-12)

10 By _____
John Fargo

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12 THE UNITED STATES OF AMERICA, THE
13 UNITED STATES DEPARTMENT OF
14 AGRICULTURE, AND TOM VILSACK

1 DATED: May 14, 2012

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14 /s/ Brian M. Boynton
15 By _____
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17 Attorneys for Defendant THE CALIFORNIA
18 TABLE GRAPE COMMISSION

19 IT IS SO ORDERED.

20 Dated: May 15, 2012

21 /s/ Jennifer L. Thurston
22 UNITED STATES MAGISTRATE JUDGE