

1 **WESLEY T. GREEN SBN #201107**
2 CORPORATE COUNSEL
3 P.O. Box 1350
4 9500 S. DeWolf Ave.
5 Selma, California 93662
6 Telephone: (559) 834-6677
7 Facsimile: (559) 834-4848
8 wgreen@lionraisins.com

9 **JAMES A. MOODY, Pro Hac Vice**
10 1101-30th Street, N.W., Ste. 300
11 Washington, D.C. 20007
12 Telephone: (202) 298-4766
13 Facsimile: (202) 944-8611

14 Attorneys for Plaintiff, LION RAISINS, INC.,
15 a California corporation

16 **UNITED STATES DISTRICT COURT**

17 **EASTERN DISTRICT OF CALIFORNIA**

18 **FRESNO DIVISION**

19 20 21 22 23 24 25 26 27 28 LION RAISINS, INC.,

Case No.: 1:08-CV-00358-OWW-SMS

Plaintiff,

PRESERVATION ORDER

vs.

Date: January 16, 2009

UNITED STATES DEPARTMENT OF
AGRICULTURE,

Time: 9:00 a.m.

Courtroom: 3

Defendant.

Hon. Oliver W. Wanger

The hearing on Plaintiff LION RAISINS, INC.'s (hereinafter referred to as "LION" or "Plaintiff") Motion for Discovery came on regularly for hearing on January 16, 2009, at 9:00 a.m., in Courtroom 3, before the Honorable Oliver W. Wanger of the Eastern District Court of California, Fresno Division. Wesley T. Green and James A. Moody appeared on behalf of LION. Other appearances were as noted on the record.

///

///

The documents at issue in these Freedom of Information Act (“FOIA”) cases concern events dating back to 1995 through 2000. The documents in question are relevant to disputes between the parties that are being handled through administrative litigation in which mediation orders have recently been issued. A full disclosure of the entire universe of inspection-related documents may aid the parties in resolving this long-running dispute through mediation.

Accordingly, Defendant USDA is hereby ordered to preserve all records responsive to the FOIA requests identified in Plaintiff's Amended Complaint, together with its attachments and exhibits, including but not limited records from 1995 through 2000 related to disposition plans for the "FR" and "RAC" series of inspection forms; destruction of temporary inspection records; Line Check sheets; Memorandum Reports of Inspection; "Worksheets" prepared for Certificates of Quality and Condition (FV-146); reinspection of raisins; Certificates (FV-146); "Void" Certificates (FV-146); disposition records for "worksheets," and warning letters from compliance cases.

Dated: January 27, 2009

/s/ OLIVER W. WANGER
OLIVER W. WANGER
UNITED STATES DISTRICT COURT JUDGE