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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FAMILY TREE FARMS, LLC,)	1:08-cv-00481-AWI-SMS
)	
Plaintiff,)	ORDER RE: FINDINGS AND
v.)	RECOMMENDATIONS RE: PLAINTIFF'S
)	MOTION FOR DEFAULT JUDGMENT AND
ALFA QUALITY PRODUCE, INC., et)	REQUEST FOR JUDICIAL NOTICE
al.,)	(DOCS. 38, 31, 33)
)	
Defendants.)	ORDER DIRECTING ENTRY OF JUDGMENT
)	FOR PLAINTIFF AND AGAINST
)	DEFENDANTS

Plaintiffs are proceeding with a civil action in this Court and have filed a motion for default judgment against two defendants. The matter came before the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Local Rule 72-302(c)(19).

On March 5, 2009, the Magistrate Judge filed findings and a recommendation that Plaintiff's motion for default judgment against Defendants Alfa Qualify Produce, Inc., and Mouiz Khalifeh be granted, and that judgment be entered in favor of Plaintiff and against Defendants. The findings and recommendation were served on all parties on March 5, 2009, and contained notice that any objections to the findings and recommendations were to be filed within thirty (30) days of the date of service of the

1 order. The time period for filing objections has run, and no
2 party has filed any objections.

3 In accordance with the provisions of 28 U.S.C. § 636
4 (b) (1) (C) and Britt v. Simi Valley United School Dist., 708 F.2d
5 452, 454 (9th Cir. 1983), this Court has conducted a de novo
6 review of the case. Having carefully reviewed the entire file,
7 the Court finds that the report and recommendation are supported
8 by the record and proper analysis.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. The findings and recommendation filed March 5, 2009, are
11 ADOPTED IN FULL; and

12 2. Plaintiff's motion for judicial notice IS GRANTED; and

13 3. Plaintiff's motion for default judgment IS GRANTED; and

14 4. The Clerk IS DIRECTED TO ENTER judgment in favor of
15 Plaintiff Family Tree Farms, LLC, and against Defendant Alfa
16 Quality Produce, Inc., on all claims, for \$117,727.70 in damages;
17 \$1617.50 in costs; prejudgment interest at the rate of ten per
18 cent per annum to run beginning on April 8, 2008, the date of the
19 filing of the complaint; and post-judgment interest at the
20 federal rate pursuant to 28 U.S.C. § 1961, to be calculated "from
21 the date of the entry of judgment, at a rate equal to the weekly
22 average 1-year constant maturity Treasury yield, as published by
23 the Board of Governors of the Federal Reserve System, for the
24 calendar week preceding the date of the judgment"; and

25 4) The Clerk IS DIRECTED TO ENTER judgment in favor of
26 Plaintiff Family Tree Farms, LLC, and against Defendant Mouiz
27 Khalifeh, on Plaintiff's third and fourth claims for fraud and
28 negligent misrepresentation, for \$117,727.70 in damages; \$1617.50

1 in costs; prejudgment interest at the rate of seven per cent per
2 annum to run beginning on April 8, 2008, the date of the filing
3 of the complaint; and post-judgment interest at the federal rate
4 pursuant to 28 U.S.C. § 1961, to be calculated "from the date of
5 the entry of judgment, at a rate equal to the weekly average 1-
6 year constant maturity Treasury yield, as published by the Board
7 of Governors of the Federal Reserve System, for the calendar week
8 preceding the date of the judgment."
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10 IT IS SO ORDERED.

11 Dated: April 17, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE

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