

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

KINGSBURG APPLE PACKERS, INC.,
dba KINGSBURG ORCHARDS, et al.,

Plaintiff,

v.

BALLANTINE PRODUCE CO., INC.,
et al.,

Defendants.

WAGON WHEEL FARMS, INC.,

Intervenor Plaintiff,

v.

BALLANTINE PRODUCE CO., INC.,

Defendant.

CASE NO. 1:09-cv-00901 AWI- JLT

ORDER VACATING FEBRUARY 1, 2010
HEARING DATE RE: MOTION FOR LEAVE
TO FILE FIRST AMENDED COMPLAINT
AND TAKING MATTER UNDER
SUBMISSION

Pending before the Court is Intervenor Plaintiff Wagon Wheel Farms, Inc.'s ("Plaintiff's")
Motion for Leave to File a First Amended Complaint. (Doc. 112.) No party has opposed this motion.

The Court has reviewed the papers and has determined that this matter is suitable for decision
without oral argument. Local Rule 230(h). Therefore, IT IS HEREBY ORDERED that the previously

1 set hearing date of February 1, 2010, is VACATED, and the parties shall not appear at that time. As of
2 February 1, 2010, the Court will take this matter under submission and will thereafter issue its decision.

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4 IT IS SO ORDERED.

5 Dated: January 26, 2010

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/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE

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