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

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

Plaintiffs,

v.

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

Defendants.

RELATED COMPLAINTS-IN-
INTERVENTIONS

NO. 1:09-CV-00901 AWI JLT

ORDER VACATING HEARING
DATE OF JUNE 21, 2010, AND
TAKING MATTER UNDER
SUBMISSION

[DOCUMENTS # 176, 182]

The Meuers Group, Stokes Group, Intervening Plaintiff, RJO Produce Marketing, Inc., Bank of the West, and Steve Franson, (collectively the “Movants”), have noticed for hearing and decision an amended joint motion for approval of stipulation and order authorizing receiver to distribute funds with respect to PACA claims. The matter was scheduled for hearing to be held on June 21, 2010. Pursuant to Local Rule 78-230(c), Defendants were required to file either an opposition or a notice of non-opposition no later than June 7, 2010. Defendants failed to do so.

Due to Defendants’ failure to file a timely opposition or notice of non-opposition, they are in violation of the Local Rules. See 78-230(c). Defendants are further not entitled to be heard at oral argument in opposition to the motion. See 78-230(c). The court has reviewed the

1 Movants' motion and the applicable law, and has determined that the motion is suitable for
2 decision without oral argument. See Local Rule 78-230(h).

3 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of June 21,
4 2010, is VACATED, and no party shall appear at that time. As of June 21, 2010, the court will
5 take the matter under submission, and will thereafter issue its decision.

6
7 IT IS SO ORDERED.

8 **Dated:** June 16, 2010

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