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8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10 **FRESNO DIVISION**

11 KINGSBURG APPLE PACKERS, INC.)	Case No.: 1:09-cv-00901-AWI-SMS
D/B/A KINGSBURG ORCHARDS, et al.		
12 Plaintiffs,)	Chief Judge Anthony W. Ishii
13 vs.		
14 BALLANTINE PRODUCE CO., INC., et al.,		
15 Defendants.)	DATE: June 21, 2010
)	TIME: 1:30 p.m.
)	JUDGE: Anthony W. Ishii
16 RELATED COMPLAINTS-IN-INTERVENTION)	(Doc. Nos. 176 & 182)

18 **ORDER GRANTING JOINT MOTION AND AMENDED JOINT MOTION FOR**
 19 **APPROVAL OF STIPULATION AND ORDER AUTHORIZING RECEIVER TO**
 20 **DISTRIBUTE FUNDS WITH RESPECT TO PACA CLAIMS**

21 Before this Court is the Joint Motion and Amended Joint Motion for Approval of
 22 Stipulation and Order authorizing Receiver to Distribute Funds with respect to PACA
 23 Claims. The Court has considered the Motions and is otherwise fully advised in the
 24 premises. Accordingly, it is

25 **ORDERED AND ADJUDGED** that the Stipulation Instructing and Authorizing
 26 Receiver to Distribute Funds with Respect to PACA Claims; Releasing Claims Against
 27 Bank of the West is approved.

1 ORDERED AND ADJUDGED that the Receiver shall distribute \$1,650,644.00 of
2 the 2009 Crop Proceeds to the Meuers Group,¹ Stokes Group,² Intervening Plaintiff, RJO
3 Produce Marketing, Inc., and LoBue Bros., Inc. pursuant to the schedule attached as
4 Exhibit "A".

5 ORDERED AND ADJUDGED that the Receiver shall distribute \$450,000.00 of the
6 2009 Crop Proceeds to Bank of the West.

7 ORDERED AND ADJUDGED that Bank of the West is dismissed with prejudice
8 from each of the complaints and complaints in intervention filed by the Meuers Group,
9 Stokes Group, or Intervening Plaintiffs, RJO Produce Marketing, Inc. and LoBue Bros.,
10 Inc.

11 ORDERED AND ADJUDGED that once the Receiver has distributed the Funds
12 pursuant to Exhibit "A," the Receiver shall have discharged all of his duties and
13 obligations to the Court under the Consent Injunction and Order Establishing PACA
14 Claims Procedure and Vacating June 22, 2009 Preliminary Injunction Hearing and to all
15 parties to this PACA Action, including the Meuers Group, Stokes Group, LoBue Bros.,
16 Inc., RJO Produce Marketing, Inc., and the Bank of the West and thereafter shall have no
17 further duties or obligations to the Court, the Meuers Group, Stokes Group, LoBue
18 Bros., Inc., RJO Produce Marketing, Inc., the Bank of the West, or any other party in the
19 PACA Action.

20 ORDERED AND ADJUDGED that the Receiver shall retain the balance of the
21 2009 Crop Proceeds as a reserve to pay expenses as authorized in the State Court
22 Action. If the Receiver's actual costs and expenses are less than the balance retained by
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24 ¹ The Meuers Group consists of Plaintiffs, Kingsburg Apple Packers d/b/a Kingsburg Orchards
25 and David Del Curto, S.A., along with Intervening Plaintiffs, Giumarra International Marketing;
Agricamex, LTDA; Delifruit, S.A., Exportadora & Servicios Rucaray, S.A.; Exportadora Agricola
Casabindo, LTDA; and Southern Fruits, S.A.

26 ² The Stokes Group consists of Intervening Plaintiffs, Comercial Greenvic, S.A., C&D Comercio y
27 Desarvolo Internacional, and Spectrum Produce Distributing, Inc.

1 the Receiver, the Receiver shall send the difference to Meuers Law Firm, P.L., counsel
2 for the original plaintiffs in this Action, in trust for distribution to the PACA Claimants,
3 as they so agree.

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IT IS SO ORDERED.

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June 25, 2010

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Anthony W. Ishii

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Chief District Judge

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BALLANTINE PRODUCE DISTRIBUTION CHART

Receiver Recovery	\$	2,100,644.00
Distribution to Bank of the West	\$	450,000.00
Available for PACA Distribution	\$	1,650,644.00

<u><i>Meuers Law Firm, P.L.</i></u>	<u>Distribution Amount</u>
Kingsburg Orchards	\$ 248,408.19
Giumarra International Marketing	\$ 9,255.26
David Del Curto, S.A.	\$ 512,032.23
Agricamex, Ltda.	\$ 165,555.49
Delifruit, S.A.	\$ 20,576.97
Exportadora & Servicios Rucaray	\$ 1,910.31
Exportadora Agricola Casabino	\$ 87,429.92
Southern Fruit, S.A.	\$ 119,040.28
<i>Totals for Meuers Law Firm, P.L.</i>	\$ 1,164,208.64

<u><i>Stokes Law Office LLP</i></u>	
C&D Comercio	\$ 220,744.49
Comercial Greenvic, S.A.	\$ 219,356.52
Spectrum	\$ 10,970.00
<i>Totals for Stokes Law Office</i>	\$ 451,071.01

<u><i>Chielpegian Law Offices</i></u>	
RJO Produce Marketing, Inc.	\$ 7,878.34
<i>Totals for Chielpegian Law Offices</i>	\$ 7,878.34

<u><i>Keaton & Associates</i></u>	
LoBue Bros., Inc.	\$ 27,486.01
<i>Totals for Keaton & Associates</i>	\$ 27,486.01

EXHIBIT A