

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

KINGSBURG APPLE PACKERS INC. )  
D/B/A KINGSBURG ORCHARDS, et. al. )

Plaintiffs, )

v. )

BALLANTINE PRODUCE Co., Inc., et. al., )

Defendants. )

WAGON WHEEL FARMS, INC., a )  
California corporation, )

Intervenor Plaintiff, )

v. )

BALLANTINE PRODUCE CO., Inc. et. al. )

Defendants. )

NO. 1:09-CV-901-AWI-JLT

ORDER VACATING  
SEPTEMBER 20, 2010 HEARING  
DATE AND TAKING MATTERS  
UNDER SUBMISSION

Defendant Bank of the West’s motion to dismiss; Defendant Virgil Rasmussen’s motion to dismiss; and Defendant Ballantine, David Albertson, Eric Albertson, Richard Graham, Redwood Farms, and Babijuce’s motion to dismiss have been set for hearing in this case on September 20, 2010. The court has reviewed the papers and has determined that these matters are suitable for decision without oral argument. Local Rule 78-230(h). Therefore, IT IS HEREBY ORDERED that the previously set hearing date of September 20, 2010, is VACATED,

1 and the parties shall not appear at that time. As of September 20, 2010, the court will take the  
2 matters under submission, and will thereafter issue its decision.

3

4 IT IS SO ORDERED.

5

Dated: September 15, 2010

6

  
\_\_\_\_\_  
CHIEF UNITED STATES DISTRICT JUDGE

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28