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

11 KINGSBURG APPLE PACKERS, INC.,)
12 dba KINGSBURG ORCHARDS, et al.)

13 Plaintiffs,)

14 vs.)

15 BALLANTINE PRODUCE, CO., INC., et)
16 al.;)

17 Defendants.)

18 WAGON WHEEL FARMS, INC.,)

19 Intervenor Plaintiff,)

20 vs.)

21 BALLANTINE PRODUCE CO., INC., a)
California Corporation; REDWOOD)
22 FARMS, INC., a California Corporation;)
BABIJUICE CORPORATION OF)
23 CALIFORNIA, a California Corporation;)
BANK OF THE WEST, a California)
24 Corporation; DAVID ALBERSTON, an)
individual; ERIC ALBERTSON, an)
25 individual; VIRGIL RASMUSSEN, an)
individual; RICHARD GRAHAM, an)
26 individual,)

27 Defendants.)
28

Case No. 1:09-CV-00901-AWI

**STIPULATION AND NOTICE OF
VOLUNTARY DISMISSAL PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 41(a)(2)
AND
ORDER**

1 TO THE CLERK OF THE UNITED STATES DISTRICT COURT FOR
2 THE EASTERN DISTRICT OF CALIFORNIA AND ALL PARTIES AND THEIR
3 ATTORNEYS OF RECORD:

4 Pursuant to this jointly stipulated agreement between Intervening Plaintiff
5 Wagon Wheel Farms, Inc. and Defendants Bank of the West, David Albertson, Eric
6 Albertson, Richard Graham, Virgil Rasmussen, Babijuice Corp. of California, Inc., and
7 Redwood Farms, Inc.; and pursuant to Federal Rule of Civil Procedure 41(a)(2), Plaintiff
8 Wagon Wheel Farms, Inc., by and through its attorney, hereby voluntarily dismisses (1)
9 Defendant Bank of the West, (2) Defendant David Albertson, (3) Defendant Eric
10 Albertson, (4) Defendant Richard Graham, (5) Defendant Virgil Rasmussen, (6)
11 Defendant Babijuice Corp. of California, Inc., and (7) Defendant Redwood Farms, Inc.
12 from the above-captioned action with prejudice; each party (Plaintiff and above-named
13 Defendants) to each bear their own attorney's fees and costs.

14 A [Proposed] Order is lodged below:

15 Dated: September ____, 2011

Campagne, Campagne, & Lerner
A Professional Corporation

17 By _____
18 Wiley R. Driskill
19 Attorneys for Intervening Plaintiff Wagon
20 Wheel Farms, Inc.

21 Dated: September ____, 2011

McCormick Barstow, LLP

23 By: _____
24 Mandy L. Jeffcoach
25 Attorneys for Defendant Bank of the West

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Dated: September ____, 2011

Wild, Carter & Tipton

By _____
Steven Paganetti
Attorneys for Redwood Farms, Inc.,
Babijuice Corp., David Albertson, Eric
Albertson, and Richard Graham

Dated: September ____, 2011

Gilmore, Wood, Vinnard & Magness

By: _____
David M. Gilmore
Attorneys for Virgil Rasmussen

ORDER

Based upon the stipulation of the parties, and good cause appearing,
IT IS HEREBY ORDERED that Defendants Bank of the West, David
Albertson, Eric Albertson, Richard Graham, Virgil Rasmussen, Babijuice Corp. of
California, Inc., and Redwood Farms, Inc.; are dismissed from the above-captioned action
with prejudice, each party to bear their own attorney's fees and costs.

IT IS SO ORDERED.

Dated: September 28, 2011



CHIEF UNITED STATES DISTRICT JUDGE