

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION**

<b>KINGSBURG APPLE PACKER, INC.</b>	)	<b>Case No.: 1:09-cv-00901-AWI-SMS</b>
<b>D/B/A KINGSBURG ORCHARDS, <i>et al.</i>,</b>	)	
<b>Plaintiffs,</b>	)	<b>Chief Judge Anthony W. Ishii</b>
<b>v.</b>	)	
	)	
<b>BALLANTINE PRODUCE CO., INC., <i>et al.</i>,</b>	)	
<b>Defendants.</b>	)	<b>ORDER DISMISSING INTERVENOR</b>
_____	)	<b>COMPLAINT</b>
	)	
<b>SPECTRUM PRODUCE DISTRIBUTING,</b>	)	
<b>INC.</b>	)	
<b>Intervenor Plaintiff,</b>	)	
<b>v.</b>	)	
	)	
<b>BALLANTINE PRODUCE CO., INC. , <i>et.al.</i>,</b>	)	
<b>Defendants.</b>	)	
_____	)	

Upon Intervening Plaintiff Spectrum Produce Distributing, Inc.’s Response to Order to Show Cause and Notice of Dismissal, and for good cause appearing therefore,

IT IS HEREBY ORDERED that all claims by Spectrum Produce Distributing, Inc. against Ballantine Produce Co., Inc., Virgil E. Rasmussen, David S. Albertson, Eric Albertson, Jerry DiBudo, and Babijuice Corporation of California are dismissed, without prejudice, with each party to bear their own attorneys’ fees and costs.

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IT IS SO ORDERED.

Dated: October 10, 2012

  
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CHIEF UNITED STATES DISTRICT JUDGE