

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. )  
  
\_\_\_\_\_)  
AND RELATED COMPLAINTS IN )  
INTERVENTION )  
  
\_\_\_\_\_)

NO. 1:09-CV-901-AWI-JLT  
  
ORDER ON PLAINTIFFS IN  
INTERVENTION’S REQUESTED  
DISMISSAL AND DISMISSING THE  
SEPARATE COMPLAINTS IN  
INTERVENTION OF COMMERCIAL  
GREENVIC, S.A., C y D COMERICO  
y DESARROLLO INTERNACIONAL,  
and SOFRUCO ALIMENTOS LTDA  
  
(Doc. Nos. 53,62, 69, 296, 297, 299)

Commercial Greenvic, S.A., C y D Comercio y Desarrollo Internacional, and Sofruco Alimentos Ltda., each filed separate complaints in intervention in this case on July 29, 2009. See Doc. Nos. 53, 62, 69. On September 28, 2012, the Magistrate Judge issued three orders to show cause why these complaints in intervention should not be dismissed for failure to prosecute. See Doc. Nos. 296, 297, and 299. The Magistrate Judge required these intervenors to either show in writing or request dismissal of their complaints in intervention. See id. On October 5, 2012, the intervenors filed a joint response. See Doc. No. 304. The omnibus response was a request to dismiss their respective complaints without prejudice. See id. Since October 5, 2012, there have been no further filings regarding the intervenor’s respective complaints, nor has their been opposition to the requested dismissal.

1 In light of the above, and in the absence of any apparent prejudice to the defendant in  
2 intervention, the Court will dismiss the intervenor complaints without prejudice. See Fed. R.  
3 Civ. Pro. 41(a).

4 Accordingly, IT IS HEREBY ORDERED that the complaints in intervention filed by  
5 Commercial Greenvic, S.A. (Doc. No. 69), C y D Comercio y Desarrollo Internacional (Doc. No.  
6 53), and Sofruco Alimentos Ltda. (Doc. No. 62) are each DISMISSED without prejudice  
7 pursuant to Rule 41(a).

8 IT IS SO ORDERED.

9 Dated: November 15, 2012



10 UNITED STATES DISTRICT JUDGE  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28