UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

KINGSBURG APPLE PACKERS, INC. dba
KINGSBURG ORCHARDS, et al.,

Plaintiffs,

V.

BALLANTINE PRODUCE CO., INC., a
California corporation, et al.,

Defendants.

AND RELATED CROSS-CLAIMS.

Case No.: 1:09-cv-00901 - AWI - JLT
ORDER TO THIRD PARTY PLAINTIFF JERRY
DIBUDUO TO PROVIDE A STATUS REPORT
REGARDING HIS CLAIMS

AND RELATED CROSS-CLAIMS.

On March 5, 2012, the Court granted Bank of the West's motion to compel arbitration and stay the pending action regarding the "Third Party Complaint" filed by Ballantine Produce, David Albertson, Eric Albertson, and Jerry DiBuduo. (Doc. 282). The Court ordered the parties to file status reports every sixty days until arbitration was completed, and a joint status report within ten days of the arbitration. *Id.* at 6.

On July 3, 2012, the parties filed a status report informing the Court: "All of the Cross-Claimants excluding Jerry Dibuduo have effectively entered into settlement agreements, which will require the dismissal of the pending cross-claims in this matter. . ." (Doc. 290 at 2). In addition, the parties reported, "Jerry Dibuduo[] has agreed to file a dismissal with prejudice against Cross-

Defendant, Bank of the West, and without prejudice as against Cross-Defendants, John Pelton and Pelton and Associates." Id. Although the parties anticipated such a dismissal would be filed within thirty days (see id.), one has not been filed. Accordingly, Third Party Plaintiff Jerry DiBuduo SHALL provide a status report regarding his claims within fourteen days of the date of service of this order, or in the alternative, file a request for dismissal of his claims in accordance with the status report filed July 3, 2012. IT IS SO ORDERED. Dated: November 27, 2012 /s/ Jennifer L. Thurston UNITED STATES MAGISTRATE JUDGE