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

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

Plaintiff,)

v.)

BALLANTINE PRODUCE INC. et al.,)

Defendants.)

**DIDUDUO LAND MANAGEMENT, a
California Corporation, et al.,**)

Intervenors,)

v.)

BALLANTINE PRODUCE CO. INC.,)

Defendants.)

1:09-cv-0901 AWI JLT

**ORDER VACATING
HEARING DATE OF
JANUARY 14, 2013, AND
TAKING MATTER UNDER
SUBMISSION**

In this action for damages, defendant Ballantine Produce, Inc., et al. (“Defendants”) has moved for relief from judgment pursuant to Rule 60(b) of the Federal Rules of Civil Procedure as to the order issued by the court on August 10, 2012, giving effect to the notice of voluntary dismissal of the action in intervention by Diduduo Land Management (“Intervenor”) and the consequent dismissal of third party claims by Defendants against Intervenor for equitable indemnity, contribution and other claims. The matter was set for oral argument to be held on January 14, 2013. The court has reviewed Defendants’ motion,

1 Intervenor's opposition and related documents and finds that the matter is suitable for
2 decision without oral argument. Local Rule 78-230(h).

3
4 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of January
5 14, 2013, is VACATED, and no party shall appear at that time. As of January 14, 2013, the
6 Court will take the matter under submission, and will thereafter issue its decision.

7
8 IT IS SO ORDERED.

9 Dated: January 11, 2013



10 UNITED STATES DISTRICT JUDGE