

1 WALTER & WILHELM LAW GROUP
 2 a Professional Corporation
 3 Riley C. Walter (SBN 91839)
 4 Norman D. Morrison IV (SBN 212090)
 5 8305 N. Fresno Street, Suite 410
 6 Fresno, CA 93720
 7 Telephone: (559) 435-9800
 8 Facsimile: (559) 435-9868
 9 E-mail: nmorrison@W2LG.com

10 Attorneys for Defendants, Z&S Fresh, Inc.
 11 and Martin J. Zaninovich

12 **UNITED STATES DISTRICT COURT**
 13 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

14 ONIONS, ETC., INC. and DUDA FARM
 15 FRESH FOODS, INC.

16 Plaintiff,

17 vs.

18 Z&S FRESH, INC. fdba Z&S
 19 DISTRIBUTING CO., INC., MARTIN J.
 20 ZANINOVICH, LOREN SCHOENBURG,
 21 AND MARGARET aka MARGE
 22 SCHOENBURG

23 Defendants

CASE NO. 1:09-CV-00906-OWW-SMS

**STIPULATION TO EXTEND THE DATE
 ON WHICH TO FILE A MOTION TO
 DETERMINE VALIDITY, PRIORITY, OR
 AMOUNT OF PACA CLAIM AND ORDER
 THEREON**

Complaint Filed: May 22, 2009
 Trial Date: To Be Assigned

AND INTERVENING ACTIONS

Defendants Z&S Fresh, Inc., fdba Z&S Distributing Co., Inc. and Martin J. Zaninovich (“Defendants”), and the claimants identified herein stipulate as follows:

1. On May 22, 2009, Plaintiffs Onions, Etc., Inc. and Duda Farm Fresh Foods, Inc. (“Plaintiffs”) commenced the instant action against Defendants Z&S Fresh, Inc., Martin J. Zaninovich, Loren Schoenburg, and Margaret aka Marge Schoenburg (“Defendants”) to enforce the trust provision of section 5(c) of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499e(c) (“PACA”). Among other relief, Plaintiffs sought to have this Court grant a request for a Preliminary Injunction against Defendants.

2. On June 10, 2009, Plaintiffs filed their Amended Motion for Issuance of Preliminary Injunction, to Consolidate and for Entry of PACA Claims Procedure Order seeking to add a PACA claims procedure to the Preliminary Injunction.

1 3. On June 24, 2009, a Stipulated Order Granting Plaintiffs' Second
2 Amended Motion for a Preliminary Injunction Order, Establishing a PACA Claims
3 Procedure and Appointing Terence J. Long as PACA Trustee (the "Order") was filed.

4 4. Pursuant to the Order, on or before July 13, 2009, claimants wishing to
5 assert a PACA Trust claim against Defendants (the "PACA Claimants") were required to
6 file and serve a Proof of PACA Claim (the "PACA Claim") and a Complaint in
7 Intervention.

8 5. Any parties who intended to file an objection to a PACA Trust Claim made
9 by a claimant were required to file objections on or before July 23, 2009 (the "PACA
10 Objectants"). Defendants Z & S Fresh, Inc., Martin J. Zaninovich filed objections to the
11 claims of various PACA Claimants on July 23, 2009.

12 6. Pursuant to the Order, any PACA Claimant who disputed or otherwise
13 wished to respond to the objection to their PACA Claim was required to file a response
14 on or before August 3, 2009. Various PACA Claimants filed responses.

15 7. Under the Order, PACA Claimants and PACA Objectants are to exercise
16 their best efforts to resolve any objections to the PACA Proofs of Claim. In the event
17 the parties are unable to resolve any disputes, the PACA Claimant must file a motion to
18 determine the validity, priority or amount of its alleged PACA Claim (the "Motion") by no
19 later than Monday, August 10, 2009.

20 8. PACA Objectants and PACA Claimants have been meeting and conferring
21 regarding objections to the PACA Claims and have a good faith belief that they will
22 resolve the disputes. Various PACA Claimants and PACA Objectants have scheduled a
23 meeting on Friday, August 14, 2009, to discuss the claims and objections.

24 9. In order to facilitate the efforts to resolve the subject objections, the PACA
25 Objectants and PACA Claimants who have executed this Stipulation request that the
26 date on which the Motion by filed on behalf of their clients be extended to Monday,
27 August 24, 2009. PACA Objectants and PACA Claimants believe that an extension to
28 this date will permit adequate time for such PACA Claimants and PACA Objectants to
meet and confer, and to discuss possible resolution to the claims and objections. This

1 date will further permit such PACA Claimants and PACA Objectants to conduct any and
2 such further meet and confer discussions as may be necessary to attempt to resolve the
3 PACA Claims and Objections.

4 10. Without waiving any rights or defenses, the PACA Objectants and PACA
5 Claimants executing this stipulation agree to the extension of the date on which to file
6 the Motion to Monday, August 24, 2009.

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8 Dated: August 7, 2009

Respectfully submitted,
WALTER & WILHELM LAW GROUP,
a Professional Corporation

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10
11 By: /s/ Norman D. Morrison IV
12 Norman D. Morrison IV, Attorneys for
13 Z & S Fresh, Inc. and Martin J. Zaninovich

14 Dated: August 7, 2009

Respectfully submitted,
McCORMICK, BARSTOW, SHEPPARD,
WAYTE & CARRUTH LLP

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16
17 By: /s/ Mandy L. Jeffcoach
18 Mandy L. Jeffcoach, Attorneys for Trustee
19 Terence J. Long

20 Dated: August 7, 2009

Respectfully submitted,
SAGASER, JONES & HELSLEY

21
22
23 By: /s/ Melody Hawkins
24 Melody Hawkins, Attorneys for Intervening
25 Plaintiff Jewel Marketing & Agribusiness, LLC
26 d.b.a. Crown Jewels Marketing, LLC

27 Dated: August 7, 2009

Respectfully submitted,
PERKINS, MANN & EVERETT,
A PROFESSIONAL CORPORATION

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By: /s/ Jan T. Perkins
Jan T. Perkins, Attorneys for Intervening
Plaintiff Frank A. Logoluso Farms

Dated: August 7, 2009

Respectfully submitted,
MEUERS LAW FIRM, P.L.

By: /s/ Katy Koestner Esquivel
Katy Koestner Esquivel, Attorneys for Plaintiffs
Onions Etc., Inc., Duda Farm Fresh Foods,
Inc., Calavo Growers, Inc., Cecelia Packing
Corporation, APBB, INC. dba Tavilla Sales
Company of Los Angeles, Giumarra Farms,
Inc., John A Clark, & Addison W. Clark, Jr. dba
Clark Farms and Rio Vista, Ltda. Db
Giumarra of Nogales (collectively the "Meuers
Group") and I.G. Fruit, Inc.

Dated: August 7, 2009

Respectfully submitted,
RYNN & JANOWSKY, LLP

By: /s/ Bart M. Botta
Bart M. Botta, Attorneys for Intervening
Plaintiffs Golden Star Citrus, Inc., Epicure
Trading, Inc., Fresco Produce, Inc.,
Chamberlain Distributing, Inc., J-C Distributing,
Inc., Sundale Sales, Inc., Seals Sweet, LLC,
Seald Sweet West International, Inc., Rochard
Cottrell Marketing, Inc., Pandol Brothers, Inc.,
Big Chuy Distributors and Sons, Inc., Booth
Ranches, LLC, Kirschenman Enterprises
Sales, Diving Flavor, LLC, CH Distributing,
LLC, Wilson Produce, LLC, R&C Berndt, Inc.,
Meyer, LLC, Pro Citrus Network, Inc., Gemco,
Inc., King Fresh Produce, LLC, Premium
Produce Distributors, Inc., Mikaelian and Sons,
Inc., JP Produce, Inc., Fisher Capespan USA,
LLC, Sunriver Trading Company Limited dba
Sunriver Sals, Cal Fresno, LLC, Comercial
Alfonso Eyzaguirre Y Cia, Ltda dba Comey
Ltda, Sunny Cove Citrus, LLC, Shipley Sales
Service, Zimmerman Farms, Inc., Salvador
Romero, The Fruit Branch, Inc., Raul Alvarez,
Ramon Rios, Sunfed Produce, LLC, Ciruli
Bros., LLC, William H. Kopke, Jr., Inc., Castro
Produce, LLC, Kaweah Avenue Properties,
LLC, Maria Alvarado, and William Cotner

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ORDER

Having read the above Stipulation, and good cause appearing,

IT IS HEREBY ORDERED that the Stipulation is approved in its entirety and that the date on which Claimant is to file the Motion is extended from Monday, August 10, 2009 to Monday, August 24, 2009.

IT IS SO ORDERED.

Dated: __August 10, 2009__

/s/ OLIVER W WANGER
Hon. OLIVER W. WANGER, Judge
United States District Court