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FEDERAL LAND BANK ASSOCIATION, FLCA

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8 UNITED STATES DISTRICT COURT

9 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

10 ONIONS ETC., and DUDA FARM FRESNO Case No.: 1:09-cv-00906-OWW-SMS  
FOODS, INC.,

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12 Plaintiffs,

13 v.

14 Z&S FRESH, INC., a California corporation,  
15 fdba Z&S DISTRIBUTING COMPANY,  
INC., a California corporation; MARTIN J.  
16 ZANINOVICH, an individual; LOREN  
SCHOENBURG, an individual; MARGARET  
aka MARGE SCHOENBERG, an individual,

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18 Defendants

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**ORDER GRANTING DEFENDANT  
FRESNO-MADERA LAND BANK  
ASSOCIATION, FCLA'S COUNTER  
MOTION FOR LEAVE TO FILE  
AMENDED COMPLAINT [410] AND  
DENYING THE TRUSTEE'S MOTION  
TO INTERVENE [422]**

Date: January 20, 2009  
Time: 10:30 a.m.  
Dept: 7

FRANK A. LOGOLUSO FARMS, a  
California Corporation,

### Intervenor Plaintiff,

V.

Z&S FRESH, INC., fbda Z&S DISTRIBUTING, CO., INC., a California corporation; MARTIN J. ZANINOVICH, an individual; LOREN SCHOENBERG an, individual; MARGARET aka MARGE SCHOENBERG, an individual; TWO PLAY PROPERTIES, LLC, a California limited liability company; TWO PLAY PROPERTIES ARIZONA, LLC, an Arizona limited liability company; THREE PLAY FARMS, a California general partnership; FOUR PLAY RANCH, a California general partnership; ZM FRESNO SPECIAL T'S, INC., a California corporation; FRESNO-MADERA FEDERAL LAND BANK ASSOCIATION, FLCA, a corporation existing and operating under the Farm Credit Act of 1971, as amended and BANK OF THE WEST, a California corporation,

## Defendants.

Upon consideration of Fresno-Madera Federal Land Bank's (the "Land Bank") Opposition and Counter Motion to Amend [D.E. #410] (the "Counter Motion") and all supporting and opposing documentation and arguments of counsel, if any,

**IT IS HEREBY ORDERED** that the Land Bank's Counter Motion to Amend is GRANTED;

**IT IS FURTHER ORDERED** that the Land Bank's Second Amended Cross Complaint and First Amended Counter Complaint is hereby deemed timely filed as of the entry date of this Order;

**IT IS FURTHER ORDERED** that all Defendants, Cross Defendants and Counter Defendants shall have twenty (20) days from the entry date of this Order to Answer or otherwise

1 plead in response to the Land Bank's Second Amended Cross Complaint and First Amended  
2 Counter Complaint.

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5 IT IS SO ORDERED.

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7 Dated: February 11, 2010

/s/ Sandra M. Snyder  
8 UNITED STATES MAGISTRATE JUDGE

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