

WALTER & WILHELM LAW GROUP
a Professional Corporation
Riley C. Walter (SBN 91839)
8305 North Fresno Street, Ste. 410
Fresno, CA 93720
Telephone: (559) 435-9800
Facsimile: (559) 435-9868
E-mail: rileywalter@W2LG.com

Attorneys for Defendant, Martin J. Zaninovich

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

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

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

JUDGMENT FOLLOWING ACCEPTANCE
OF DEFENDANT MARTIN J.
ZANINOVICH'S OFFER OF JUDGMENT
PURSUANT TO FEDERAL RULE OF CIVIL
PROCEDURE RULE 68 BY PLAINTIFFS
REPRESENTED BY RYNN & JANOWSKY

Complaint Filed: May 22, 2009
Trial Date: July 12, 2011

Plaintiff,

vs.
Z&S FRESH, INC. fdba Z&S
DISTRIBUTING CO., INC., MARTIN J.
ZANINOVICH, LOREN SCHOENBURG,
AND MARGARET aka MARGE
SCHOENBURG

Defendants

AND INTERVENING ACTIONS

AND CROSS-COMPLAINTS

Defendant MARTIN J. ZANINOVICH having tendered Offers of Judgment made pursuant to Federal Rules of Civil Procedure Rule 68, to Plaintiffs represented by Rynn & Janowsky (collectively the "Parties") having timely accepted such Offers of Judgment in accordance with Fed. Rules Civ. P. Rule 68, in principal sums, plus costs accrued to the date of the offer, the Parties hereby request that this Court enter judgments against Martin J. Zaninovich as follows, all of which qualifies for trust protection under the trust provisions of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499e, *et seq.*, pursuant to Federal Rules of Civil Procedure Rule 68(a). Copies of the Offers of Judgment are attached hereto as Exhibit A:

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EXHIBIT A

PARTY	PRINCIPAL SUM	COSTS	TOTAL SUM
Booth Ranches, LLC (1)	155,422.10	56.01	155,478.11
Booth Ranches, LLC (2)	21,218.57	6.59	21,225.16
William Cotner	30,271.24	11.55	30,282.79
Maria Alvarado	13,673.48	5.22	13,678.70
Castro Produce, LLC	14,213.39	4.38	14,217.77
William H. Kopke, Jr., Inc.	68,729.99	21.67	68,751.66
Ciruli Brothers, LLC	13,736.30	4.36	13,740.66
Sunfed Produce, LLC	14,815.77	5.21	14,820.98
Ramon Rios	7,372.75	2.39	7,375.14
Raul Alvarez	13,528.86	5.85	13,534.71
The Fruit Branch, Inc.	155,689.69	67.33	155,757.02
Salvadore Romero	18,732.32	7.59	18,739.91
Zimmerman Farms, Inc.	1,525.02	0.58	1,525.60
Shipley Sales Service	43,490.90	13.68	43,504.58
Sunny Cove Citrus, LLC	16,710.63	5.30	16,715.93
Comercial Alfonso Eyzaguirre y Cia. Ltda dba Comey LTDA	78,926.73	28.44	78,955.17
Cal Fresco, LLC	25,042.30	8.25	25,050.55
Sunriver Trading Company Ltd.	18,444.06	6.30	18,450.36
Fisher Capespan USA, LLC	12,433.64	3.86	12,437.50
JP Produce, Inc.	14,823.35	4.65	14,828.00
Mikaelian and Sons, Inc.	42,615.23	13.82	42,629.05
Premium Produce Distributors, Inc.	120,552.89	42.34	120,595.23
King Fresh Produce, LLC	157,667.59	55.30	157,722.89
Gemco, Inc.	29,417.97	16.42	29,434.39
Pro Citrus Network, Inc.	13,927.65	4.41	13,932.06
Meyer, LLC	14,141.29	4.84	14,146.13
R&C Berndt, Inc. dba Sierra Produce	76,971.60	26.39	76,997.99
Wilson Produce, LLC	27,464.72	9.30	27,474.02
CH Distributing, LLC	10,588.80	4.14	10,592.94
Divine Flavor, LLC	32,965.42	11.45	32,976.87
Kirschenman Enterprises Sales	62,531.95	25.35	62,557.30
Big Chuy Distributors and Sons, Inc.	37,606.98	11.80	37,618.78
Pandol Brothers, Inc.	110,093.03	34.16	110,127.19
Richard Cottrell Marketing, Inc.	36,794.92	11.74	36,806.66
Seald Sweet, LLC	95,511.79	29.12	95,540.91
Sundale Sales, Inc.	51,746.08	16.43	51,762.51
J-C Distributing, Inc.	4,457.71	1.37	4,459.08
Chamberlain Distributing, Inc.	66,888.66	20.40	66,909.06
Fresco Produce, Inc.	230,443.92	81.52	230,525.44
Epicure Trading, Inc.	49,588.11	14.81	49,602.92
Golden Star Citrus, Inc.	180,716.32	57.12	180,773.44

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1 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED as
2 follows:

3 1. Judgment on Plaintiffs' claims filed in this matter are entered in favor of
4 the Plaintiffs as against Defendant Martin J. Zaninovich, in the cumulative sums set out
5 above, representing the principal sums and costs.

6 2. This partial judgment, made pursuant to Federal Rules of Civil Procedure
7 Rule 68(a), shall be merged into the final judgment to be entered in this matter.

9 | IT IS SO ORDERED.

11 | Dated: August 26, 2010

/s/ OLIVER W. WANGER
Hon. Oliver W. Wanger
United States District Judge,
Eastern District of California (Fresno)