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6 Attorneys for Plaintiff in Intervention, VISALIA PRODUCE SALES, INC. dba
 7 PRODUCE SOURCE

8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10 **FRESNO DIVISION**

11 ONIONS ETC., INC.; DUDA FARM)
 12 FRESH FOODS, INC.,)

13 Plaintiffs,)

14 v.)

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

19 Defendants.)

20)
 21 _____)
 22 VISALIA PRODUCE SALES, INC., dba)
 PRODUCE SOURCE)

23 Intervenor Plaintiff)
 24 _____)

Case Number 1:09-CV-00906-OWW-MJS

**STIPULATION OF VOLUNTARY
 DISMISSAL; ORDER**

25 IT IS HEREBY STIPULATED AND AGREED, pursuant to *Federal Rules of*
 26 *Civil Procedure, Rule 41(a)(1)*, by and between Intervenor Plaintiff, Visalia Produce Sales, Inc.
 27 dba Produce Source, Defendant Z&S Fresh, Inc., and Terence J. Long, Trustee of the PACA
 28 Trust as follows:

1 The action commenced on July 10, 2009, by plaintiff in intervention, Visalia
2 Produce Sales, Inc. dba Produce Source against defendant Z&S Fresh, Inc., (Doc. 64) is hereby
3 dismissed in its entirety, with prejudice, with each party to bear its own attorneys' fees and costs.
4

5 Dated: September 3, 2010

WILD, CARTER & TIPTON
A Professional Corporation

7 By: /s/ Patrick J. Gorman
PATRICK J. GORMAN
8 Attorneys for Visalia Produce Sales, Inc.,
9 dba Produce Source

10 Dated: September 3, 2010

MCCORMICK, BARSTOW, ET AL

12 By: /s/ Mandy Jeffcoach
MANDY JEFFCOACH
13 Attorneys for Terence J. Long, Trustee of
14 the PACA Trust

15 Dated: September 3, 2010

WALTER-WILHELM LAW GROUP

17 By: /s/ Norman D. Morrison, IV
NORMAN D. MORRISON, IV
18 Attorneys for Z&S Fresh, Inc.

19 **ORDER**

20 THE PARTIES HAVING SO STIPULATED, IT IS HEREBY ORDERED that the above-
21 captioned action by Visalia Produce Sales, Inc., dba Produce Source against Z&S Fresh, Inc., be
22 dismissed with prejudice.
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27 IT IS SO ORDERED.

28 **Dated: September 3, 2010**

/s/ Oliver W. Wanger

UNITED STATES DISTRICT JUDGE

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