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11 Attorneys for: Intervenor Plaintiff TERENCE J. LONG, TRUSTEE PURSUANT TO COURT
12 ORDER

13 **UNITED STATES DISTRICT COURT**
14 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

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

17 Plaintiffs,

18 v.

19 Z & S FRESH, INC., a California corporation;
20 Z & S DISTRIBUTING COMPANY, INC., a
21 California corporation; MARTIN J.
22 ZANINOVICH, an individual; LOREN
23 SCHOENBURG, an individual; MARGARET
24 aka MARGE SCHOENBURG, an individual,

25 Defendants.

Case No.: 1:09-cv-00906-OWW-MJS

**STIPULATION OF VOLUNTARY
DISMISSAL AND ORDER THEREON**

26 AND ALL RELATED ACTIONS.

27 IT IS HEREBY STIPULATED AND AGREED, pursuant to Federal Rules of
28 Civil Procedure 41(a), by and between Intervenor Plaintiff TERENCE J. LONG, TRUSTEE
PURSUANT TO COURT ORDER, and Defendant BANK OF THE WEST, a California
corporation as follows:

That the action commenced on February 17, 2010, by Intervenor Plaintiff
TERENCE J. LONG, TRUSTEE PURSUANT TO COURT ORDER (Doc. No. 433), is hereby

1 dismissed without prejudice as against Defendant BANK OF THE WEST only, with each party
2 to bear his or its own attorneys' fees and costs.

3 Dated: January 31, 2011

PERKINS, MANN & EVERETT, APC

4
5 By: /s/ Jan T. Perkins.

6 Jan T. Perkins, attorneys for Intervenor
7 Plaintiff TERENCE J. LONG, TRUSTEE
8 PURSUANT TO COURT ORDER

9 Dated: January 26, 2011

COLEMAN & HOROWITT, LLP

10
11 By: /s/ Darryl J. Horowitz.

12 Darryl J. Horowitz, attorneys for Defendant
13 BANK OF THE WEST

14
15 **ORDER**

16 THE PARTIES HAVING SO STIPULATED, IT IS HEREBY ORDERED that
17 the complaint in intervention initiated by Intervenor Plaintiff TERENCE J. LONG, TRUSTEE
18 PURSUANT TO COURT ORDER, is dismissed without prejudice as against Defendant
19 BANK OF THE WEST only, with each party to bear his or its own attorneys' fees and costs.

20
21 IT IS SO ORDERED.

22 Dated: February 1, 2011

/s/ Oliver W. Wanger
23 UNITED STATES DISTRICT JUDGE