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(SPACE BELOW FOR FILING STAMP ONLY)

Attorneys for Defendant, Loren Schoenburg and  
Margaret Schoenburg

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA-FRESNO**

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

Plaintiff,

v.

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

Defendants.

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

STIPULATION AND ORDER TO  
CONTINUE PRETRIAL CONFERENCE  
AND TRIAL DATE AND ORDER  
THEREON

Action Filed: May 22, 2009  
Trial Date: September 13, 2011

AND RELATED CROSS-ACTION.

WHEREAS the parties to this action, by and through their counsel, or individually if not represented by counsel, who sign this document, hereby submit the following stipulation to continue the Pretrial Conference and Trial Date. Specifically, all of the signatures received below are from counsel for parties who are actively involved in this litigation. Any counsel and/or parties who have not signed the stipulation are either not actively involved, have been previously dismissed or defaulted upon, or have not provided any response regarding their position with respect to continuing the trial date.

WHEREAS a number of issues and scheduling conflicts have arisen for a number of parties

1 and/or counsel involved in this action, that prevent their availability on the date of the currently  
2 scheduled trial;

3 WHEREAS, in the interest of all those involved in this action, the parties have agreed that  
4 the pretrial conference and trial date should be continued to ensure the availability of all parties and  
5 counsel;

6 WHEREAS, on June 13, 2011 (Doc. No. 673), Magistrate Judge Michael Seng granted the  
7 Motion of Carrie and Aaron Margosian to amend their answer and assert numerous new affirmative  
8 claims against the Land Bank. In light of the fact the Motion to amend and add these new claims  
9 was not made until after discovery had closed, Judge Seng's Order re-opened discovery solely to  
10 allow the Land Bank to conduct discovery with respect to the new claims. However, Judge Seng's  
11 Order stated that any requests by the Land Bank for an extension of the dispositive motion deadlines  
12 to allow them to file dispositive motions as to the new claims should be addressed to the District  
13 Judge. The Margosians and the Land Bank have agreed and Stipulated that the dispositive motion  
14 deadline, for the Land Bank only, shall be extended until November 4, 2011, and the hearing date  
15 for dispositive motions by the Land Bank only shall be December 5, 2011.

16 THEREFORE, it is stipulated and agreed by and among the parties, through their respective  
17 counsels of record, that the pretrial conference and trial of the above-captioned matter may be  
18 continued and be rescheduled as follows, in accordance with the new trial date.

19 Dispositive Motion Deadline (as to Land Bank Only): November 4, 2011

20 Dispositive Motion Hearing Deadline (as to Land Bank Only): December 5, 2011

21 Pretrial Conference: From August 8, 2011 to December 5, 2011

22 Trial: From September 13, 2011 to January 17, 2012

23 IT IS SO STIPULATED.

24 Dated: July 6, 2011

WILKINS, DROLSHAGEN & CZESHINSKI LLP

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26  
27 By /s/ James H. Wilkins

James H. Wilkins

Attorneys for Defendants, Loren Shoenburg and  
28 Margaret Shoenburg

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Dated: July 1, 2011

MEUERS LAW FIRM PL

By /s/ Katy Koestner Esquivel

Katy Koestner Esquivel, PHV  
Lawrence H. Meuers

Attorneys for Plaintiffs, Duda Farm Fresh Foods, Inc,  
Onions Etc., Inc., APB, Inc., Calavo Growers, Inc.,  
Cecelia Packing Corporation, Clark Farms, Giumarra  
Farms, Inc., Giumarra International Marketing, I.G.  
Fruit, Inc., Rio Vista, Ltd.

Dated: July 6, 2011

RYNN & JANOWSKY

By /s/ Bartholomew Mark Botta

Bartholomew Mark Botta

Attorneys for Intervenor Plaintiffs, Maria Alvarado,  
Raul Alvarez, Big Chuy Distributors and Sons, Inc,  
Golden Star Citrus, Inc., Booth Ranches, LLC, CH  
Distributing, LLC, Cal Fresco, LLC, Castro Produce,  
LLC, Chamberlain Distributing, Inc., Ciruli Brothers,  
LLC, Comercial Alfonso Eyzaguirre y Cia. LTDA,  
Divine Flavor, LLC, Epicure Trading, Inc., Fisher  
Capespan USA, LLC, Fresco Produce, Inc., Gemco,  
Inc., J-C Distributing, Inc., JP Produce, Inc., Kaweah  
Avenue Properties, LLC, King Fresh Produce, LLC,  
Kirschenman Enterprises Sales, Meyer, LLC,  
Mikaelian and Sons, Inc., Pandol Bros., Inc., Premium  
Produce Distributors, Inc., Pro Citrus Network, Inc.,  
R&C Berndt, Inc., Richard Cottrell Marketing, Inc.,  
Seald Sweet West International, Inc., Seald Sweet,  
LLC, Shipley Sales Service, SunFed Produce, LLC,  
Sundale Sales, Inc., Sunny Cove Citrus, LLC,  
Sunriver Trading Company Limited, The Fruit  
Branch, Inc., William H. Kopke, Jr. Inc., Wilson  
Produce, LLC, Zimmerman Farms, Inc., Ramon Rios,  
and Salvadore Romero.

Dated: July 6 , 2011

BAKER, MANOCK & JENSEN

By /s/ Robert D. Wilkinson

Robert D. Wilkinson  
Joseph M. Marchini

Attorneys for Intervenor Plaintiff, Peters Fruit Farms,  
Inc.

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Dated: July 6 , 2011

JONES HELSLEY PC

By /s/ Michael Helsley  
Michael Helsley  
Timothy Jones  
Attorneys for Intervenor Plaintiff, Jewel Marketing &  
Agribusiness, LLC, dba Crown Jewel Marketing, LLC

Dated: July 6 , 2011

WILD, CARTER AND TIPTON

By /s/ Patrick J. Gorman  
Patrick J. Gorman  
Attorneys for Intervenor Plaintiffs, Visalia Produce  
Sales, Inc, dba Produce Source, Four Play Farms,  
Three Play Farms, Two Play Farms, Aron Margosian,  
George Margosian, Margosian Bros., Two Play  
Properties, LLC, Four Play Ranch, Defendants Four  
Play Ranch, Three Play Farms, Two Play Properties,  
LLC, Carrie Margosian, Aron Margosian

Dated: July 7, 2011

NATHAN D. IDE, ATTORNEY AT LAW

By /s/ Nathan D. Ide  
Nathan D. Ide  
Attorneys for Intervenor Plaintiffs, Joe W. Russell and  
Mark L. Pascoe

Dated: July 1, 2011

LANG, RICHERT & PATCH

By /s/ Scott J. Ivy  
Scott J. Ivy  
Attorneys for Cross-Claimant, Fresno-Madera Federal  
Land Bank Association, FLCA

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Dated: July 6 , 2011

MCCORMICK, BARSTOW, SHEPPARD, WAYTE AND  
CARRUTH, LLP

By  /s/ Mandy L. Jeffcoach  
Mandy L. Jeffcoach  
Attorneys for Trustee, Terrance J. Long

Dated: July 6, 2011

PERKINS, MANN & EVERETT

By  /s/ Douglas V. Thornton  
Jerry H. Mann  
Jan T. Perkins  
Douglas V. Thornton  
Attorneys for Intervenor Plaintiff, Frank A. Logoluso  
Farms and Trustee Terrance J. Long

Dated: July 1 , 2011

BARRY E. WEBER, ATTORNEY AT LAW

By  /s/ Barry E. Weber  
Barry E. Weber  
Attorneys for Intervenor Plaintiff, Larry Gardner

Dated: July 7, 2011

GOLDMAN LAW

By  /s/ Robert E. Goldman  
Robert E. Goldman  
Attorneys for Dandrea Produce, Inc.

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**ORDER**

IT IS SO ORDERED: The new trial date in this matter will be January 17, 2012, and the Scheduling Order shall be revised in accordance with the dates listed above.

IT IS SO ORDERED.

**Dated:** July 11, 2011

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE