

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ONIONS, ETC., INC., and DUDA FARM No. 1:09-CV-00906 AWI-MJS  
FRESH FOODS, INC.,

Plaintiff,

V.

Z&S FRESH, INC., et al.,

## Defendants.

## [CORRECTIONAL ORDER]

ORDER WITHDRAWING ORDER FOR  
SEVERANCE (ECF No. 823); and

ORDER FOR SEPARATE TRIALS UNDER  
FEDERAL RULE OF CIVIL PROCEDURE  
42(b)

The Court's May 15, 2012 Order for Severance (ECF No. 823) is hereby WITHDRAWN and replaced with the following Order for Separate Trials:

A properly noticed Status Conference was convened before the Honorable Michael J. Seng, United States Magistrate Judge, on May 10, 2012. Plaintiff Terence J. Long, Trustee Pursuant to Court Order ("Trustee"), appeared through his attorney, Jan Perkins, Perkins Mann & Everett, Incorporated. Cross Claimant and Counter-Claimant Fresno-Madera Federal Land Bank Association, FCLA ("Land Bank") appeared through its attorney, Scott Ivy, Lang, Richert & Patch. Intervenor Plaintiffs and Cross Defendants Aron Margosian and Carrie Margosian (jointly, "Margosians") appeared through their attorney, Patrick J. Gorman, Wild Carter & Tipton, a Professional Corporation.

1 Defendants Loren Schoenburg and Margaret Schoenburg (jointly, "Schoenburgs") appeared through  
2 their attorney James H. Wilkins, Wilkins, Drolshagen & Czeshinski, LLP.  
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4 During the Status Conference, each of the parties stipulated and agreed through his or her  
5 respective attorney of record that the disputes of the Trustee and Margosians as against the  
6 Schoenburgs should and may be tried separately from the disputes between the Land Bank and  
7 Margosians. See Fed. R. Civ. P. 42(b).

8 Accordingly, based on the said stipulation of the parties and good cause appearing, it is  
9 hereby ORDERED that all claims of the Trustee and Margosians against the Schoenburgs shall be  
10 tried separately from the claims and disputes between the Land Bank and the Margosians. The  
11 former shall be tried before the undersigned. The Land Bank and Margosians having filed written  
12 consents to the jurisdiction of the Magistrate Judge for all purposes pursuant to 28 U.S.C. 636(c),  
13 shall have their claims assigned for trial before the Honorable Michael J. Seng, U.S. Magistrate  
14 Judge. The court's prior order for severance is WITHDRAWN (ECF No. 823)

15  
16 IT IS SO ORDERED.  
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18 Dated: May 18, 2012

  
19 CHIEF UNITED STATES DISTRICT JUDGE  
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