1 2	WESLEY T. GREEN SBN #201107 CORPORATE COUNSEL				
	P.O. Box 1350 9500 S. DeWolf Ave.				
3 4	Selma, California 93662 Telephone: (559) 834-6677 Facsimile: (559) 834-4848				
5	Attorney for Plaintiffs, LION RAISINS, INC., a California corporation				
6					
7	UNITED STATES DISTRICT COURT				
8	EASTERN DISTRICT OF CALIFORNIA				
9	FRESNO DIVISION				
10	LION RAISINS, INC.,) Case No.: 1:09-CV-01900-OWW-SMS			
11	Plaintiff,) STIPULATION OF DISMISSAL;) ORDER THEREON			
12	VS.) ORDER THEREON			
13	UNITED STATES DEPARTMENT OF AGRICULTURE; UNITED STATES)))			
14	DEPARTMENT OF JUSTICE,))			
15	Defendants.) Hon. Oliver W. Wanger			
16))			
17					
18	<u>RECITALS</u>				
19	1. On November 3, 2009, Plaintiff LION RAISINS, INC., a California corporation				
20	("LION") filed its Amended Complaint under the Freedom of Information Act ("FOIA"), 5 U.S.C. §				
21	552 for injunctive and other relief seeking the disclosure, release, and physical access to agency				
22	records allegedly withheld from LION by the UNITED STATES DEPARTMENT OF				
23	AGRICULTURE, and its components Agricultural Marketing Service ("AMS"), Office of the				
24	General Counsel ("OGC"), and Office of Inspector General ("OIG"), and defendant UNITED				
25	STATES DEPARTMENT OF JUSTICE ("DOJ").				
26	2. On January 11, 2010, Defendants USDA and DOJ filed their Answer to Amended				
27	Complaint for Declaratory and Injunctive Relief [Freedom of Information Act].				
28					
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Stipulation Of Dismissal; Order Thereon

1	3. On June 20, 2011 Defendants filed their Motion for Summary Judgment pursuant to				
2	rule 56 of the Federal Rules of Civil Procedure.				
3	STIPULATION				
4	1. IT IS HEREBY STIPULATED by and between the parties to this action through their				
5	designated counsel that the above-captioned action be and hereby is dismissed without prejudice				
6	pursuant to FRCP 41(a)(1).				
7	2. IT IS FURTHER STIPULATED that by entering into this STIPULATION, LION				
8	does not waive any claims available to it by law, and the doctrines of res judicata and/or collatera				
9	estoppel are not effectuated by this dismissal.				
10			Respectfully submitted,		
11	Dated: June 28, 2011		LION RAISINS, INC.		
12		By:	/s/ Wesley T. Green WESLEY T. GREEN		
13			Corporate Counsel Attorney for Plaintiff		
14			According for Frankfir		
15	Dated: June 27, 2011		BENJAMIN B. WAGNER United States Attorney		
16			[As authorized on June 27, 2011]		
17		By:	/s/ Benjamin E. Hall BENJAMIN E. HALL		
18			Assistant U.S. Attorney Attorneys for Defendant		
19					
20	<u>ORDER</u>				
21		<u> </u>			
22	IT IS SO ORDERED.				
23	David June 20 2011		o/Oliver W. Wenger		
24	Dated: June 28, 2011		<u>s/ Oliver W. Wanger</u> OSTATES DISTRICT JUDGE		
25					
26					
27					
28					