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EASTERN DISTRICT COURT
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## UNITED STATES DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA

MARTELLA AUCTION COMPANY, INC. )	Case No. 10-cv-00258-LJO-JLT
Plaintiff, ) v.	ORDER
TRI STATE CONSTRUCTION, INC.; MORTON ) ENGINEERING AND CONSTRUCTIONS, INC.; ) ROBERT L. MORTON; INTERNAL REVENUE ) SERVICE; EMPLOYMENT DEVELOPMENTS ) OF THE STATE OF CALIFORNIA; TRI STATE ) CONCRETE CONSTRUCTION, INC. and Does 2-) 10, inclusive; ) Auction Company, Inc. v. TriState Construction, Inc. et al Defendants. )	

The parties, Defendants Robert Morton, Tri State Concrete Construction, Inc., and the United States of America's, joint motion for an order to distribute interpled funds and dismiss this action is GRANTED as follows:

The funds deposited with the Court shall be distributed:

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- 1. Forty thousand, four hundred ninety nine dollars and fifty four cents (\$40,499.54) to ROBERT MORTON by check made payable to Robert Morton and Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP mailed to Kaleb Judy, Klein, DeNatale, Goldner, Cooper, Rosenlieb & Kimball, LLP, 4550 California Ave., 2<sup>nd</sup> Floor, Bakersfield, CA 93309.
- 2. The remaining funds, or approximately seventy three thousand, seven hundred ninety nine dollars and fifty four cents (\$73,799.54) to the UNITED STATES OF AMERICA by check made payable to the "United States Treasury," mailed to the United States Treasury c/o the United States Department of Justice, Tax Division, P.O. Box 310, Ben Franklin Station, Washington, D.C. 20044.
- 3. This entire case shall be and hereby is dismissed with prejudice as to all parties and all claims.
  - 4. All parties to bear their own attorneys' fees and costs.

Dated: March 21, 2011.

HON-LAWRENCE J. O'NEILL

UNITED STATES DISTRICT COURT JUDGE