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

JLG ENTERPRISES, INC., a California corporation,

 Plaintiff,

 vs.

EXCALIBUR SIRES, INC., a Minnesota corporation, and DOES 1 through 25, inclusive,

 Defendants.

EXCALIBUR SIRES, INC.,

 Counter-claimant,

 vs.

JLG ENTERPRISES, INC.,

 Counter-defendant.

Case No. 1:10-CV-02138-AWI-SKO

ORDER AUTHORIZING SALE OF LIVESTOCK

Plaintiff/Counter-Defendant JLG Enterprises, Inc.’s (“Plaintiff”) Application for an Order Authorizing the Sale of Livestock prior to judgment and pursuant to the California Livestock Service Lien statutes, Cal. Civ. Code §§ 3080 to 3080.22 (“Application”), came on regularly for hearing on January 26, 2011, before the Honorable Sheila K. Oberto, Magistrate Judge for the United States District Court, Eastern District of California. Eric J. Sousa of the law firm of Damrell, Nelson,

1 Schrimp, Pallios, Pacher & Silva appeared on behalf of Plaintiff. Gregory Myers appeared on behalf of
2 Defendant/Counter-Claimant Excalibur Sires, Inc.

3 As set forth in the Court's order of March 22, 2011 (Doc. 49), THE COURT FINDS as follows:

- 4 1. The claim upon which Plaintiff's action is based is a claim giving rise to a lien upon
5 which an order authorizing sale may be issued under California Civil Code §§ 3080 to 3080.22;
- 6 2. Plaintiff has established the probable validity of the claim upon which the action is based;
- 7 3. Plaintiff has established the probable validity of the lien sought to be enforced by the sale;
- 8 4. The sale is in the interest of equity and is necessary to prevent a possible decline in the
9 value or condition of the livestock;
- 10 5. The sale is not sought for a purpose other than the recovery on the claim upon which the
11 lien is based; and
- 12 6. The sale, if conducted in the manner set forth in the Application, would be conducted in a
13 commercially reasonable manner.

14 IT IS HEREBY ORDERED that Plaintiff is authorized to sell the livestock as follows:

- 15 1. The livestock to be sold is as follows:

<u>No.</u>	<u>Bull Name</u>	<u>Bull No.</u>	<u>Registration No.</u>
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18	1. Lesperron Big Daddy	204H2037	M100754243
19	2. Our-Favorite Shyster-ET	204H2048	134779441
20	3. Eskdale Momentous-ET	204H2068	136707781
21	4. Mr. KY-Blue Roy Casino-ET	204H2078	137629147
22	5. Regencrestdl S Ryker-ET	204H2079	61898421
23	6. Regancrest S Mystical-ET	204H2083	62496490
24	7. Regancrest Shottle Myrik-ET	204H2084	62496435
25	8. E-Evans-A Allen Rascal-ET	204H2090	62613542
26	9. Budjon-JK Evangelos	204H2091	137533420
27	10. Canyon-Breeze G Auston-ET	204H2093	62897572
28	11. Canyon-Breeze G Allied-ET	204H2094	62897571
	12. Canyon-Breeze Storm Ames-ET	204H2095	62897570
	13. Canyon-Breeze Goldwyn Ash	204H2096	62897569
	14. Canyon-Breeze Storm Arch-ET	204H2097	62897568
	15. Canyon-Breeze Eliminator-ET	204H2098	62897573
	16. Canyon-Breeze Marsh Astonic	204H2099	62897564
	17. Eskdale Hotshot-ET	204H2101	138272021
	18. Budjon-JK Stormtc Element-ET	204H2102	137902095

19.	Budjon-JK Stormatic Eon-ET	204H2103	138263052
20.	Henkeseen Exotic-ET	204H2106	63445826
21.	Henkeseen Expression-ET	204H2107	63445831
22.	Regancrest PR Bloker-ET	204H2109	62744760
23.	Regancrest Mac Bence-ET	204H2110	62744695
24.	Regancrest Mac Benat-ET	204H2111	62744687
25.	Bonaccueil Duplicate	204H2112	103862758
26.	Ralma Mac Granite-ET	204H2113	53451987
27.	Hnkes-Wessel Emmitt-TW	204H2114	63445910
28.	Hnkes-Wessel Enforce-TW	204H2115	63445911
29.	Mr. Golfing America-ET	204H2116	139245811
30.	Sonnek Damion Archmedes-ET	204H2118	139072848

2. The sale shall be conducted in the following manner:

- a. Date: June 8, 2011
- b. Time: 10:00 a.m.
- c. Place: 11116 Sierra Road, Oakdale, CA 95361

3. Notice of the sale shall be provided in accordance with California Civil Code §3080.17(a) to the following individuals/entities at least thirty (30) days prior to the sale:

- a. Excalibur Sires, 1815 Summit Drive NE, Rochester, Minnesota, 55906 and 1202 ½ 7th Street NW, Suite 211, Rochester, Minnesota, 55901;
- b. Lesperron Holsteins, Route 108, Bury Quebec, JOB 1BO, Canada;
- c. Steven Gillens, P.O. Box 126, Minersville, Utah, 84752;
- d. Gale Hoese, dba Hoese Investment Group, 12058 County Road 2, Glencoe, Minnesota, 55336; and
- e. Kevin Jimerson and Kick-It-Up Holsteins, c/o Jeff and Lisa Gibson, 4486 Jackson Road, Eminence, Kentucky, 40019;

4. A copy of the Court's March 22, 2011, order shall accompany the notice provided to the individuals named above;

5. Certificates of service of the notice to the individuals named above shall be promptly filed with the Court when service of the notice is completed;

6. Notice of the sale shall also be provided in accordance with California Civil Code §3080.17(b) to the public at least five (5) days before the date of sale by publication once in a

1 newspaper of general circulation published in the county in which the sale is to be held. If there is no
2 such newspaper, notice shall be given by posting, for five days prior to sale, a notice of sale where the
3 sale is to be conducted; and

4 7. Plaintiff is directed to deposit the proceeds of the sale with the Clerk of the Court to be
5 placed in an interest-bearing account as specified in California Civil Code § 3080.16(b) until further
6 order of the Court. Any check delivered to the Clerk of the Court should be made payable to the
7 “United States District Court.”

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10 IT IS SO ORDERED.

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12 Dated: March 31, 2011

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

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