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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

E & J GALLO WINERY,

CASE NO. CV F 11-0476-SEH-GSA

Plaintiff,

ORDER

vs.

TOLEDO ENGINEERING CO., INC.,

Defendant.

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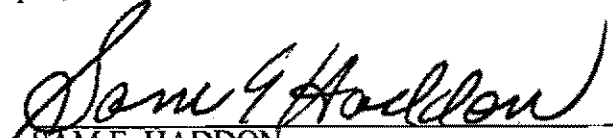
Upon the record made in open court on April 22, 2013,

ORDERED:

- 1. Plaintiff's Motion for Summary Adjudication of Issues<sup>1</sup> is DENIED.
- 2. Defendant's Motion for Summary Judgment<sup>2</sup> is GRANTED in part and DENIED in part as stated on the record.

3. Defendant's Motion for Leave to File Counterclaim<sup>3</sup> is GRANTED subject to the conditions stated in open court.

DATED this 22<sup>nd</sup> day of April, 2013.

  
 \_\_\_\_\_  
 SAM E. HADDON  
 United States District Judge

<sup>1</sup> Document No. 92.  
<sup>2</sup> Document No. 101.  
<sup>3</sup> Document No. 112.