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

E & J GALLO WINERY,

Plaintiff,

vs.

TOLEDO ENGINEERING CO., INC.,

Defendant.

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

AMENDED ORDER

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The Court's Order of April 22, 2013,<sup>1</sup> is amended as follows:

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

ORDERED:

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

2. Defendant's Motion for Summary Judgment<sup>3</sup> is GRANTED in part and DENIED in part as stated on the record.

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<sup>1</sup> Document No. 126.

<sup>2</sup> Document No. 92.

<sup>3</sup> Document No. 101.

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3. Defendant's Motion for Leave to File Counterclaim<sup>4</sup> is GRANTED subject to the conditions stated in open court.

DATED this 23<sup>rd</sup> day of April, 2013.

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

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<sup>4</sup> Document No. 112.