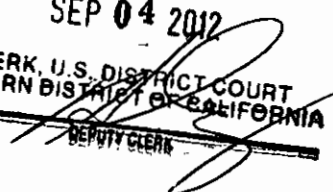


1 E. Warren Gubler #109317  
Steven M. Koch # 222938  
2 GUBLER, KOCH, DEGN & GOMEZ LLP  
1110 N. Chinowth Street  
3 Visalia, CA 93291  
Telephone: (559) 625-9600  
4 Facsimile: (559) 625-9605  
5 Attorneys for Plaintiff

**FILED**  
SEP 04 2012  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY   
DEPUTY CLERK

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8 UNITED STATES DISTRICT COURT  
9 EASTERN DISTRICT OF CALIFORNIA

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11 CROP PRODUCTION SERVICES, INC. fka  
12 UAP DISTRIBUTION, INC. and successor  
by merger to WESTERN FARM SERVICE,  
13 INC.,

Case No. 1:11-CV-01682-AWI-JLT

**STIPULATION AND ORDER TO  
DISMISS**

14 Plaintiffs,

15 v.

16 EARMARK ENTERPRISES, INC.,  
17 HOUSHANG DADGOSTAR, et al.

18 Defendants.

19 All matters in dispute between the parties to the above-entitled cause having been  
20 satisfactorily compromised and settled:

21  
22 1. It is hereby stipulated and agreed by and between said parties, by their respective  
23 attorneys, that the said cause may be dismissed with prejudice, without cost to either party, all  
24 costs having been paid.

25 2. It is further stipulated and agreed that an order pursuant to the foregoing may be  
26 entered of record without further notice to either party upon the presentation of the Stipulation.

1           3.       It is further stipulated and agreed that said dismissal shall be a bar to the bringing  
2 of any action based on or including the claims in this action.

3           4.       It is further stipulated and agreed that within 10 calendar days following the  
4 Court's entry of this Stipulation and Order, plaintiff shall file a Request for Dismissal, with  
5 prejudice, in the state court action filed in the Superior Court of the County of Kern, case no. S-  
6 1500-CV-274724-WDP.

7           5.       It is further stipulated and agreed that within 10 calendar days following the  
8 Court's entry of this Stipulation and Order, plaintiff shall file with the California Secretary of  
9 State a termination (Form UCC3) of the UCC Financing Statement that was filed with the  
10 California Secretary of State on July 22, 2009, document number 21759030003.

11                       Wherefore the parties hereto pray that the Court will enter an order dismissing this cause  
12 with prejudice.

13  
14 Dated: 3-1-12

GUBLER, KOCH, DEGN & GOMEZ LLP

15  
16 By 

E. Warren Gubler, Esq.  
Attorneys for Plaintiffs,  
CROP PRODUCTION SERVICES, INC. fka UAP  
DISTRIBUTION, INC. and successor by merger to  
WESTERN FARM SERVICE, INC.

17  
18  
19  
20 Dated: 2/14/2012

DADGOSTAR LAW LLP

21  
22 By 

Hiram D. Dadgostar, Esq.  
Attorneys for Defendants,  
EARMARK ENTERPRISES, INC. and HOUSHANG  
DADGOSTAR

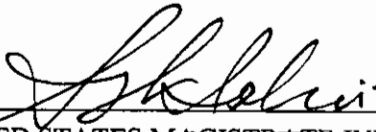
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**ORDER**

This cause coming on to be heard on this date upon the Stipulation for dismissal with prejudice filed herein, and the Court having examined said Stipulation and being fully advised, find that this cause of action has been fully compromised and settled and that the parties having stipulated and agreed to dismissal of this cause with prejudice, and that the Court further finds that all costs have been paid.

IT IS THEREFORE ORDERED that this cause be hereby dismissed with prejudice.

Dated: 8-31-12

  
UNITED STATES MAGISTRATE JUDGE  
DISTRICT