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

**MARTINI E RICCI IAMINO S.P.A. –  
CONSORTILE SOCIETA AGRICOLA,  
an Italian Company,**

**Plaintiff**

**v.**

**TRINITY FRUIT SALES COMPANY,  
INC., a California Corporation, and DOES  
1-20,**

**Defendant**

**CASE NO. 1:13-CV-276 AWI SAB**

**ORDER ON DEFENDANT’S REQUEST  
TO FILE AN ADDITIONAL MOTION  
FOR SUMMARY JUDGMENT**

(Doc. No. 33)

This case stems from the provision of kiwi fruit from Plaintiff Martini E Ricci Iamno S.P.A. (“M&R”) to Trinity Fruit Sales Company, Inc. (“Trinity”). On July 2, 2014, the Court issued an order on cross-motions for summary judgment. See Doc. No. 32. Following this order, there are only two causes of action that remain in this case – common counts for an account stated and an open book account. See id. As part of the summary judgment order, the Court permitted the parties to file a request for an additional summary judgment motion if they believed that such a motion would be beneficial. See id. On July 10, 2014, Defendant filed a request to file an additional summary judgment motion. See id. at Doc. No. 33. Plaintiff has neither filed a request nor responded to Defendant’s request. After considering Defendant’s request, the Court will permit a second summary judgment motion to be filed and will set a briefing schedule.

1 Accordingly, IT IS HEREBY ORDERED that:

- 2 1. Defendant's request to file an additional summary judgment motion (Doc. No. 33) is  
3 GRANTED;
- 4 2. Defendant shall file the additional summary judgment motion, along with supporting  
5 evidence and briefing, on or by 3:00 p.m. on July 25, 2014;
- 6 3. Plaintiff shall file either an opposition or notice of non-opposition on or by 3:00 p.m. on  
7 August 8, 2014; and
- 8 4. Defendant may file a reply on or by 3:00 p.m. on August 15, 2014.<sup>1</sup>

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10 IT IS SO ORDERED.

11 Dated: July 15, 2014

  
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28 SENIOR DISTRICT JUDGE

<sup>1</sup> After the briefing has been received and reviewed, if the Court determines that a hearing would be beneficial, it will set a hearing date at that time.