

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

G&M FARMS, INC.,
Plaintiff,
v.

Case No. 1:13-cv-0368 LJO MJS

ORDER DISMISSING ACTION AND
CLOSING CASE

BRITZ-SIMPLOT GROWER
SOLUTIONS, LLC, et al.,
Defendants.

By order filed May 29, 2013, the Court granted Defendants Britz-Simplot Grower Solutions, LLC and Tom Branson’s (collectively “Defendants”) motion to dismiss for lack of subject matter jurisdiction and gave Plaintiff G&M Farms, Inc. (“Plaintiff”) until June 18, 2013 to file an amended complaint to the extent that Plaintiff believed in good faith that it could cure the jurisdictional issues raised in the Court’s order. The Court advised Plaintiff that if it did not file an amended complaint, the Court would (1) dismiss this action without prejudice to Plaintiff bringing its claims in state court and (2) close this case.

Plaintiff has not filed an amended complaint.

Accordingly, the Court:

1. DISMISSES this action without prejudice to Plaintiff bringing its claims in state court;
and

///
///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

2. DIRECTS the Clerk of the Court to close this case.

IT IS SO ORDERED.

Dated: June 19, 2013

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE