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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

14.368 ACRES, more or less, Situated in
Kern County, State of California, et al.,

Defendants.

Case No. 1:24-cv-000185-CDB

**ORDER DISMISSING DEFENDANTS
VIGNOLO FARMS, INC. AND KERN
COUNTY TREASURER-TAX COLLECTOR
WITHOUT PREJUDICE**

This is an action brought by Plaintiff the United States of America at the request of the Federal Aviation Administration for the taking of land in Kern County, California, under its power of eminent domain and through a Declaration of Taking, and for the determination and award of just compensation to the owners and parties in interest. (Doc. 1 ¶ 1). Schedule G to Plaintiff’s complaint in condemnation (Doc. 1-7) identifies known parties having or claiming an interest in the subject property – Precious Earth, Inc., Vignolo Farms, Inc. (“Vignolo”), and the Kern County Treasurer-Tax Collector (“Kern County”) – all named as Defendants in the Civil Cover Sheet (Doc. 1-8).

On February 21, 2024, Plaintiff filed a “Disclaimer of Interest” executed by Defendant Kern County in which Kern County disclaims any and all right, title, claim, or interest in the subject property and requests to be dismissed. (Doc. 8). Similarly, on April 12, 2024, Plaintiff filed a “Disclaimer of Interest” executed by Defendant Vignolo in which Vignolo disclaims any and all right, title, claim, or interest in the subject property and requests to be dismissed. (Doc. 16).

1 Pursuant to Rule 71.1(i)(2), Fed. R. Civ. P., the Court may dismiss any defendant who
2 “was unnecessarily or improperly joined” – such as a party who no longer has an interest in the
3 property to be condemned. *E.g., EQT Gathering, LLC v. A Tract of Property Situated in Knott,*
4 *County, Ky.*, No. 12-58-ART, 2012 WL 3644968, at *4 (E.D. Ky. Aug. 24, 2012) (citing Fed. R.
5 Civ. P. 71.1, 1951 Notes of Advisory Committee on Rules, Note to Subdivision (i)).

6 Accordingly, because they have disclaimed any interest in the subject property and do not
7 oppose dismissal, it is HEREBY ORDERED pursuant to Fed. R. Civ. P. 71.1(i)(2) that
8 Defendants Vignolo Farms, Inc. and Kern County Treasurer-Tax Collector are DISMISSED from
9 this action without prejudice.

10 The Clerk of the Court is DIRECTED to terminate Vignolo Farms, Inc., and Kern County
11 Treasurer-Tax Collector from this action and update the docket accordingly.

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13 IT IS SO ORDERED.

14 Dated: May 10, 2024


UNITED STATES DISTRICT JUDGE

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