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10 **U.S. DISTRICT COURT**
11 **EASTERN DISTRICT OF CALIFORNIA**

12 GENERAL PRODUCE CO., LTD., a)
13 California limited partnership,)
14 Plaintiff,)

15 vs.)

16 ALEX R. THOMAS & CO., a California)
17 corporation doing business as GOT)
18 FRUIT and RIPPLE RILEY THOMAS;)
19 MENDOCINO GOLD GIFTS, LLC, a)
20 California limited liability company;)
21 RIPPLE RILEY THOMAS, LLC, a)
22 California limited liability company;)
23 ALEX R. THOMAS, III, an individual;)
24 STEPHEN N. THOMAS, an individual;)
25 ANNE I. THOMAS,)

26 Defendants.)

Case No. 2:08-cv-01084-JAM-EFB

ORDER ON DEFENDANT ANNE I. THOMAS' MOTION TO VACATE DEFAULT JUDGMENT AND DEFAULT AND ORDER OF EXAMINATION

Date: 11/18/09
Time: 9:00 a.m.
Ctrm/Dept: 6 (14th Floor)
Judge: Hon. John A. Mendez
Location: 501 I Street
Sacramento, CA 95814

27 The motion of defendant Anne I. Thomas to vacate default judgment and default
28 and order of examination came on regularly for hearing on November 18, 2009.

Attorney Daniel E. Post appeared on behalf of defendant Anne I. Thomas; attorney
Daniel A. McDaniel appeared on behalf of plaintiff General Produce Co., Ltd., a
California limited partnership; the Honorable John A. Mendez, judge presiding.

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1 After reviewing the pleadings and papers on file in this matter, and following
2 argument by the parties' counsel,

3 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the motion of
4 Anne I. Thomas to vacate the default judgment and default and order of examination is
5 hereby granted. Accordingly, the Order for Appearance and Examination of Anne
6 Thomas entered September 23, 2009 (document 42) is hereby vacated. The Judgment
7 entered July 31, 2009 (document 31) is hereby vacated as to Defendant Anne I. Thomas
8 only. The Order for Judgment entered July 31, 2009 (document 30) is hereby vacated in
9 all respects as to Defendant Anne Thomas only, including without limitation to the
10 extent it ordered Entry of Default as to Defendant Anne I. Thomas on the First Amended
11 Complaint. Default Judgment and Default having been vacated and set aside,
12 Defendant Anne I. Thomas is hereby ordered to file her response to Plaintiff's First
13 Amended Complaint within 20 days of entry of this Order.
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17 DATED: November 30, 2009

/s/ John A. Mendez
Judge John A. Mendez

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20 APPROVED AS TO FORM:

NOMELLINI, GRILLI & McDANIEL

21
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23 Date: _____

By _____
Daniel A. McDaniel
Attorneys for Plaintiff