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7 Attorneys for Plaintiffs The Morning Star Packing Company,
Liberty Packing Company, LLC, California Fruit & Tomato
8 Kitchens, LLC, and The Morning Star Company
9

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA
12

13 THE MORNING STAR PACKING COMPANY,)
a California limited partnership; LIBERTY)
14 PACKING COMPANY, LLC, a California)
limited liability company; CALIFORNIA)
15 FRUIT & TOMATO KITCHENS, LLC, a)
California limited liability company; and)
16 THE MORNING STAR COMPANY, a)
California corporation,)

17 Plaintiffs,)
18)

19 vs.)

20 SK FOODS, L.P., a California limited)
partnership; SCOTT SALYER, an individual;)
21 RANDALL RAHAL, an individual;)
INTRAMARK USA, INC., a New Jersey)
22 corporation; INGOMAR PACKING)
COMPANY, LLC, a California limited)
23 liability company; GREG PRUETT, an)
individual; LOS GATOS TOMATO)
24 PRODUCTS; STUART WOOLF, an individual;)
ALAN HUEY, an individual; and DOES 1)
through 50, inclusive,)

25 Defendants.
26

Case No. 2:09-CV-00208 KJM-EFB

**NOTICE OF STIPULATED REQUEST FOR
DISMISSAL WITH PREJUDICE AS TO
ONLY DEFENDANTS INGOMAR
PACKING COMPANY, LLC AND GREG
PRUETT**

AND ORDER

Complaint Filed: January 22, 2009
Trial Date: No trial date set

27 Plaintiffs The Morning Star Packing Company, Liberty Packing Company, LLC,
28

Notice of Stipulated Request for Dismissal as to
Only
Defendants Ingomar and Pruett and [Proposed]
Order

1 California Fruit & Tomato Kitchens, LLC, and The Morning Star Company (collectively,
2 "Plaintiffs") and defendant Ingomar Packing Company, LLC and defendant Greg Pruett
3 (collectively, the "Ingomar Defendants"), by and through their attorneys of record, file this
4 stipulation and proposed order of dismissal with prejudice of only the Ingomar
5 Defendants pursuant to Federal Rules of Civil Procedure, rule 41(a)(2).

6 Plaintiffs filed their First Amended Complaint on January 29, 2010, naming the
7 Ingomar Defendants as additional defendants. Plaintiffs filed a Second Amended
8 Complaint on December 6, 2010. The Ingomar Defendants answered the Second
9 Amended Complaint on November 4, 2011.

10 On or about February 15, 2018, Plaintiffs and the Ingomar Defendants entered into
11 a confidential settlement agreement resolving all disputes between them. In accordance
12 with the terms and conditions of that confidential settlement agreement, Plaintiffs and
13 the Ingomar Defendants hereby stipulate and request that only the Ingomar Defendants
14 be dismissed with prejudice in the above-entitled action pursuant to rule 41(a)(2) of the
15 Federal Rules of Civil Procedure. Plaintiffs and the Ingomar Defendants further stipulate
16 that each side shall bear its own attorneys' fees and costs.

17 IT IS SO STIPULATED.

18 Respectfully submitted,

19 Dated: March 8, 2018

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN
Law Corporation

21 By: /s/ Dale C. Campbell
Dale C. Campbell, SBN 99173

23 Company,
24 Tomato

Attorneys for Plaintiffs The Morning Star Packing
Liberty Packing Company, LLC, California Fruit &
Kitchens, LLC, and The Morning Star Company

26 Dated: March 8, 2018

MORGAN, LEWIS & BOCKIUS LLP

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By: /s/ Sujal J. Shah
Sujal J. Shah, SBN 215230

Attorneys for Defendant Ingomar Packing Company,

LLC

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Dated: March 8, 2018

RAMSEY & EHRLICH LLP

By: /s/ Miles F. Ehrlich
Miles F. Ehrlich, SBN 237954

Attorneys for Defendant Greg Pruett

ORDER

Having reviewed the above Stipulated Request for Dismissal with Prejudice by Plaintiffs The Morning Star Packing Company, Liberty Packing Company, LLC, California Fruit & Tomato Kitchens, LLC, and The Morning Star Company (collectively, "Plaintiffs") and defendant Ingomar Packing Company, LLC and defendant Greg Pruett, and good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiffs' action as to only defendant Ingomar Packing Company, LLC and defendant Greg Pruett is dismissed with prejudice. Each side shall bear its own attorneys' fees and costs.

IT IS SO ORDERED.

DATED: March 13, 2018.


UNITED STATES DISTRICT JUDGE