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

10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA

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 THE )  
 16 MORNING STAR COMPANY, a California )  
 corporation, )

17 Plaintiffs, )

18 vs. )

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

25 Defendants. )

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

**NOTICE OF STIPULATED REQUEST FOR  
 DISMISSAL WITH PREJUDICE AS TO ONLY  
 DEFENDANTS RANDALL RAHAL AND  
 INTRAMARK USA, INC.**

**AND ORDER**

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

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 27 Plaintiffs The Morning Star Packing Company, Liberty Packing Company, LLC,  
 28 California Fruit & Tomato Kitchens, LLC, and The Morning Star Company (collectively,

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 law corporation

1 "Plaintiffs") and defendants Randall Rahal and Intramark USA, Inc. (collectively, the "Rahal  
2 Defendants"), by and through their attorneys of record, file this stipulation and proposed  
3 order of dismissal with prejudice of only the Rahal Defendants pursuant to Federal Rules of  
4 Civil Procedure, rule 41(a)(2).

5 Plaintiffs filed their Complaint on January 22, 2009, naming the Rahal Defendants and  
6 others as defendants. On or about November 6, 2009, Plaintiffs and the Rahal Defendants  
7 entered into a confidential settlement agreement resolving all disputes between them and  
8 which provided that a dismissal with prejudice would be filed upon successful completion of  
9 specified conditions precedent. The parties executed a First Amendment to Settlement  
10 Agreement and Mutual General Release dated March 18, 2019 (the "Amended Settlement  
11 Agreement"). In accordance with the terms and conditions of the Amended Settlement  
12 Agreement, Plaintiffs and the Rahal Defendants hereby stipulate and request that only the  
13 Rahal Defendants be dismissed with prejudice in the above-entitled action pursuant to  
14 rule 41(a)(2) of the Federal Rules of Civil Procedure. Plaintiffs and the Rahal Defendants further  
15 stipulate that each side shall bear its own attorneys' fees and costs.

16 IT IS SO STIPULATED.

17 Respectfully submitted,

18 Dated: April 11, 2019

**WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN**  
Law Corporation

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

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22 Company,

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

23  
24 Dated: April 11, 2019

**ADAMS BUCHAN & PALO LLC**

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26 By: /s/ Christopher Adams  
Christopher Adams

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28 Attorneys for Defendants Randall Rahal and  
Intramark USA, Inc.

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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 Randall Rahal and defendant Intramark USA, Inc., and good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiffs' action as to only defendant Randal Rahall and defendant Intramark USA, Inc. is dismissed with prejudice. Each side shall bear its own attorneys' fees and costs.

IT IS SO ORDERED.

Dated: April 19, 2019.

  
UNITED STATES DISTRICT JUDGE