

1 Dale C. Campbell, State Bar No. 99173
 James Kachmar, State Bar No. 216781
 2 **WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN**
 Law Corporation
 3 400 Capitol Mall, 11th Floor
 Sacramento, California 95814
 4 (916) 558-6000 – Main
 (916) 446-1611 – Facsimile
 5 Email: dcampbell@weintraub.com
 Email: jkachmar@weintraub.com

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

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

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

**NOTICE OF STIPULATED REQUEST FOR
 DISMISSAL WITH PREJUDICE AS TO ONLY
 DEFENDANT SCOTT SALYER**

17 Plaintiffs,)

AND ORDER

18 vs.)

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

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

26 Defendants.)

27 ///
 28 ///

weintraub tobin chediak coleman grodin
law corporation

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

6 Plaintiffs filed their Complaint on January 22, 2009, naming Salyer and others as
7 defendants. Dkt. 1. On January 29, 2010, Plaintiffs filed a First Amended Complaint. Dkt. 100.
8 On December 6, 2010, Plaintiffs filed a Second Amended Complaint. Dkt. 116.

9 In accordance with the terms and conditions of a settlement agreement between
10 Plaintiffs and Salyer, the parties hereby stipulate and request that Salyer be dismissed with
11 prejudice in the above-entitled action pursuant to rule 41(a)(2) of the Federal Rules of Civil
12 Procedure. Plaintiffs and Salyer further stipulate that each side shall bear its own attorneys'
13 fees and costs.

14 IT IS SO STIPULATED.

15 Respectfully submitted,

16 Dated: April 29, 2019

WEINTRAUB TOBIN CHEDIAK COLEMAN GRODIN
Law Corporation

17
18 By: /s/ Dale C. Campbell
Dale C. Campbell, SBN 99173

19
20 Company, Attorneys for Plaintiffs The Morning Star Packing
21 Liberty Packing Company, LLC, California Fruit & Tomato
22 Kitchens, LLC, and The Morning Star Company

23 Dated: April 29, 2019

SEGAL & ASSOCIATES

24 By: /s/ Malcolm S. Segal
25 Malcolm S. Segal, SBN 75481

26 Attorneys for Defendant Scott Salyer
27
28

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

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 Scott Salyer, and good cause appearing therefor,

IT IS HEREBY ORDERED that Plaintiffs' action as to defendant Scott Salyer only is dismissed with prejudice. Each side shall bear its own attorneys' fees and costs.

IT IS SO ORDERED.

DATED: May 16, 2019.


UNITED STATES DISTRICT JUDGE