

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

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

<p><b>L’OTTAVO RISTORANTE, et al.,</b> )</p> <p style="text-align: center;"><b>Plaintiffs,</b> )</p> <p style="text-align: center;"><b>v.</b> )</p> <p><b>INGOMAR PACKING COMPANY, et al.,</b> )</p> <p style="text-align: center;"><b>Defendants.</b> )</p> <hr style="width: 40%; margin-left: 0;"/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>1:09-cv-00932 OWW SMS</b></p> <p><b>ORDER RE: INTRADISTRICT TRANSFER TO SACRAMENTO</b></p>
--	---	--

Plaintiffs filed suit in the Eastern District of California, Fresno Division on May 22, 2009, seeking relief from Defendants’ allegedly anticompetitive conduct in the sale of processed tomato products, conduct which is the subject of an ongoing criminal investigation in the Sacramento Division of the United States Attorney’s Office for the Eastern District of California. *See* Doc. 1 at ¶1. Five related cases, all arising from the same allegedly anticompetitive conduct, were filed in the Sacramento Division: *Four in One Company, Inc. v. SK Foods, L.P.*, 2:08-cv-03017-MCE-EFB (filed Dec. 12, 2008); *Diversified Foods and Seasonings, Inc. v. SK Foods L.P.*, 2:08-cv-03074-MCE-EFB (filed Dec. 18, 2008); *Bruce Foods Corporation v. SK Foods L.P.*, 2:09-cv-00027-MCE-EFB (filed Jan 5, 2009); *Morning Star Packing Company, et al v. SK Foods*, 2:09-cv-00208-MCE-EFB (filed Jan. 22 2009); and *Cliffstar Corporation v. SK Foods*, 2:09-cv-00442-MCE-EFB (filed Feb. 13, 2009).


1 Under Local Rule 83-123(c) (Reassignment):

2 Following the filing of a Notice of Related Cases, the Chief Judge or a Judge  
3 designated by the Chief Judge may, by special order, reassign either case to any  
4 Judge or Magistrate Judge sitting in the Eastern District of California as the  
5 situation may dictate. If the Judge to whom the case with the lower or lowest  
6 number has been assigned determines that assignment of the cases to a single  
7 Judge is likely to effect a savings of judicial effort or other economies, that Judge  
8 is authorized to enter an order reassigning all higher numbered related cases to  
9 himself or herself.

10 Appendix A(f)(1) to the Local Rules provides that an action may be reassigned “between Judges  
11 on [an] order signed by the transferring and accepting Judges as approved by the Court.” Here,  
12 transfer of this, sixth related case to the undersigned District Judge, to whom the five other  
13 related cases are assigned, “is likely to effect a savings of judicial effort” and/or “other  
14 economies.” Accordingly, upon agreement and concurrence of the transferring Judge, it is  
15 hereby ORDERED that this matter is transferred to the Sacramento Division of the Eastern  
16 District of California.

17 IT IS SO ORDERED

18 Dated: July 15, 2009

19   
20 MORRISON C. ENGLAND, JR.  
21 UNITED STATES DISTRICT JUDGE

22 Dated: July 15, 2009

23 /s/ Oliver W. Wanger  
24 Oliver W. Wanger, Concurring  
25 United States District Judge