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 15 APPLE HILL GROWERS

17 UNITED STATES DISTRICT COURT
 18 EASTERN DISTRICT OF CALIFORNIA

20 APPLE HILL GROWERS,
 21 Plaintiff,
 22 vs.
 23 EL DORADO ORCHARDS, INC., et al.
 24 Defendants.

CASE NO. 2:17-cv-02085-TLN-CKD
**ORDER APPROVING STIPULATION
 TO WITHDRAW MOTIONS FOR
 SANCTIONS**

26 Plaintiff Apple Hill Growers (“Plaintiff”) and Defendants Brad Visman, Mason Visman,
 27 Kandi Visman, and El Dorado Orchards, Inc., (“Defendants”) (Plaintiff and Defendants
 28 collectively “the Parties”) hereby agree and to stipulate to withdraw their motions for sanctions.

1 Defendants filed a Motion to Reopen Discovery, to Compel Depositions, and for
2 Sanctions on July 20, 2022. [ECF No. 78.] Plaintiff filed a Motion for Sanctions on August 16,
3 2022. [ECF No. 89.] In its Order of August 19, 2022, [ECF No. 92] the Court granted
4 Defendants' motion to compel the attendance of certain witnesses at depositions and permitted
5 Defendants to pursue their attorneys' fees in bringing the motion, pursuant to Rule 37(a)(5)(A).
6 [*Id.*, at p. 13.] The Court ordered that Defendants file any brief in support of their fees by
7 September 2, 2022. [*Id.* at p. 14] The Court also took Plaintiff's motion for sanctions under
8 submission and instructed Plaintiff to file any adversarial briefing on that motion by September 9,
9 2022. [*Id.*]

10 The Parties have considered their respective motions and have agreed to forego the
11 sanctions or attorneys' fees sought in those motions. Accordingly, Defendants hereby withdraw
12 their Motion for Sanctions [ECF No. 78] and waive any attorneys' fees available under Rule
13 37(a)(5)(A) with respect to that motion. Likewise, Plaintiff hereby withdraws its Motion for
14 Sanctions [ECF No. 89].

15 Respectfully submitted,

16 DATED: September 7, 2022

DICKENSON, PEATMAN & FOGARTY

18 By: /s/ Christopher J. Passarelli

19 Paul W. Reidl
20 Christopher Passarelli
21 Brett Leininger
22 Attorneys for El Dorado Orchards, et al.

LAW OFFICES OF CATHERINE ASHLEY STRAIGHT

23 By: /s/ Catherine Ashley Straight

24 Catherine Ashley Straight
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26 By: /s/ R. Michael West

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ORDER

Having reviewed the Parties' stipulation, the Court orders as follows:

1. The Parties' stipulation to withdraw their respective pending motions for sanctions is hereby approved.
2. This resolves Plaintiff's motion for sanctions (ECF No. 89).

IT IS SO ORDERED.

Dated: September 7, 2022



CAROLYN K. DELANEY
UNITED STATES MAGISTRATE JUDGE