


FILED

OCT 8 2019

CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY  DEPUTY CLERK

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

GREENGATE FRESH, LLLP, an Arizona
limited liability limited partnership,

Plaintiff,

vs.

TRINITY FRESH PROCUREMENT, LLC, a
California limited liability company; PAUL
ABESS, individually; and TRINITY FRESH
MANAGEMENT, LLC, a California limited
liability company,

Defendants.

SUNTERRA PRODUCE TRADERS, INC., a
California corporation; 1ST QUALITY
PRODUCE, INC., a California corporation;
PETERSON FARMS FRESH, INC., a
Michigan corporation; COASTAL PACIFIC
SALES, LLC, a Washington limited liability
company; and FROERER FARMS, INC., an
Oregon corporation, D/B/A OWYHEE
PRODUCE,

Intervening Plaintiffs,

vs.

CASE NO. 2:18-cv-03161-JAM-EFB


~~[PROPOSED]~~ ORDER GRANTING JOINT
MOTION FOR COURT ORDER
AUTHORIZING VEHICLE SALE

DATE: October 8, 2019

TIME: 1:30 p.m.

COURTROOM: 6, 14th floor

TRINITY FRESH DISTRIBUTION, LLC, California limited liability company; TRINITY FRESH MANAGEMENT, LLC, California limited liability company; TRINITY FRESH PROCUREMENT, LLC, California limited liability company; and PAUL P. ABESS, an individual,

Defendants.

FRESHPOINT DENVER, INC. and RUBY ROBINSON COMPANY, LLC,

Consolidated Plaintiffs,

vs.

TRINITY FRESH DISTRIBUTION, LLC, et al.

Consolidated Defendants.

AND INTERVENING ACTIONS.

Having read and considered the motion of Plaintiff GreenGate Fresh, LLLP (“GreenGate”), Intervening Plaintiffs Sunterra Produce Traders, Inc., 1st Quality Produce, Inc., Peterson Farms Fresh, Inc., Coastal Pacific Sales, LLC; and Froerer Farms, Inc. d/b/a Owyhee Produce (collectively “Sunterra Group”), Nor-Cal Produce, Inc., Ben E. Keith Company, and Fresh Innovations California, LLC (collectively “Intervening Plaintiffs”), Consolidated Plaintiffs FreshPoint Denver, Inc. and Ruby Robinson Co., LLC (the “FreshPoint Group” with GreenGate, Sunterra Group, and Intervening Plaintiffs are together “Movants”), the oppositions thereto, if any, such oral and documentary evidence as may have be presented at the hearing, if any, and good cause appearing therefor,

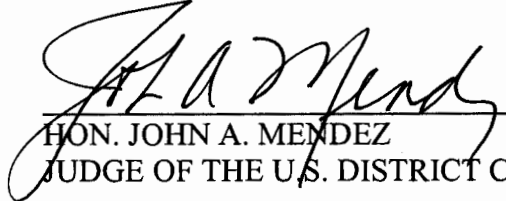
IT IS HEREBY ORDERED that the Motion is granted in its entirety, and that:

1. The courts find that the "Contested Vehicles" [(1) 2015 Ford F550 Cargo Truck, VIN 1FDUF5GY8FEA99750, License No. 40087J2; and (2) 2015 Ford F550 Cargo Truck, VIN 1FDUF5GY1FEA59641, License No. 63209S1] are impressed with the statutory trust under Perishable Agricultural Commodities Act, 7 U.S.C. § 499e, *et seq.*
2. That the court appointed referee, Zeb Seidel, of Auction Exchange, Inc. dba Bar None Auction is authorized to sell the Contested Vehicles free and clear of liens; and
3. That the sales proceeds from the sale of the Contested Vehicles be deposited into the "Trinity Fresh PACA Trust Account."

IT IS SO ORDERED.

DATED:

October 8, 2019


HON. JOHN A. MENDEZ
JUDGE OF THE U.S. DISTRICT COURT