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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 DOLE FRESH FRUIT COMPANY
 Plaintiff,

No. CIV 09-0450 WHA

13 vs.

[PROPOSED] ORDER

14 O. LIPPI & CO., INC.,
 15 WALTER MARTIN AND KATHLEEN
 MARTIN

16 Defendants.

17
 18 WALTER MARTIN AND KATHLEEN
 MARTIN

19 Counterclaimants

20 vs.

21 DOLE FRESH FRUIT COMPANY, a
 22 Nevada Corporation; and

23 ROES 1 through 50, inclusive,

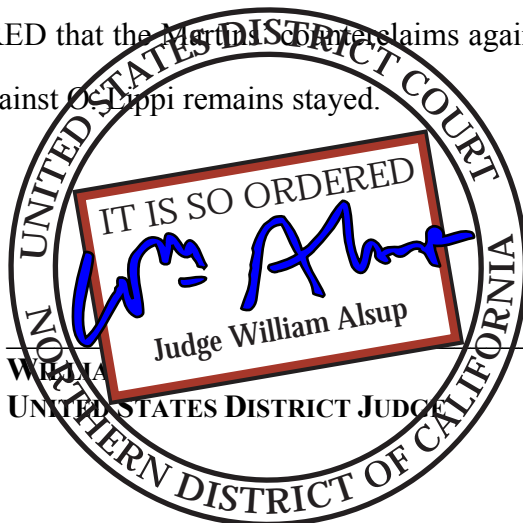
24 Counterclaim Defendants.

1 Before the Court is a Stipulation for Dismissal between Plaintiff Dole Fresh Fruit
2 Company (“Dole”) and Defendants and Counterclaimants Walter Dennis Martin and Kathleen
3 Martin (collectively “the Martins”). The remaining Defendant, O. Lippi and Co., Inc. is in
4 bankruptcy and subject to the automatic bankruptcy stay. *See Ct. Dkt. No. 20.*

5 After careful consideration of the Stipulation for Dismissal, and the complete records on
6 file in this action, it is the Court’s opinion that the Court should dismiss Dole and the Martins
7 claims and counterclaims against each other with prejudice.

8 Accordingly, it is hereby ORDERED that Dole’s claims against the Martins are
9 dismissed with prejudice. It is also ORDERED that the Martins’ counterclaims against Dole are
10 dismissed with prejudice. Dole’s action against O. Lippi remains stayed.

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12 Dated: May 20, 2009 _____



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