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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOLE FRESH FRUIT COMPANY,
Plaintiff,
v.
O. LIPPI & CO., INC., et. al.,
Defendant.

No. C 09-00450 WHA

**ORDER RE MOTION FOR
TEMPORARY RESTRAINING
ORDER WITHOUT NOTICE**

On February 2, 2009, plaintiff Dole Fresh Fruit Company filed a complaint under the Perishable Agricultural Commodities Act, 7 U.S.C. 499e, accompanied by motions for a temporary restraining order without notice and a preliminary injunction. The submissions do not establish the need for issuance of a TRO without notice. FRCP 65(b); Civ. L.R. 65-1(b).

Defendant should be given notice of the motion without delay. If the complaint and motion are served on defendant today, defendant may file a **RESPONSE** to the motion by 5:00 on Tuesday, February 3, 2009, and a **HEARING** on the motion will be held Wednesday, February 4, 2009, at 2:30 p.m.

IT IS SO ORDERED.

Dated: February 2, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE