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United States District Court
For the Northern District of California

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

MUZZI FAMILY FARMS, LLC,
Plaintiff,

No. C 16-02432 WHA

v.

EAST & WEST GOURMET FOOD, INC.;
NAZIFA SIDIQ; RHATEB SIDIQ;
BILLAL SIDIQ,
Defendants.

**ORDER SETTING BRIEFING
SCHEDULE AND HEARING ON
MOTION FOR TEMPORARY
RESTRAINING ORDER**

Plaintiff Muzzi Family Farms, LLC, has filed an ex parte motion for a temporary restraining order requesting that defendants East & West Gourmet Food, Inc., Nazifa Sidiq, Rhateb Sidiq, and Billal Sidiq, be enjoined from doing the following (Mot. at 2):

- A. Removing, withdrawing, transferring, assigning or selling to any other person or entity, the proceeds from the sales of any or all existing or future inventories of food, including but not limited to inventory on hand, perishable agricultural commodities, commodities, and/or other products derived from perishable, including frozen, agricultural commodities, and or receipts of payments for such commodities sold prior to the date of this order, and/or otherwise disposing of corporate assets, books or funds;
- B. Taking any other action whatsoever which causes, has the effect of causing, or which otherwise dissipates Plaintiff’s beneficiary interests in the PACA trust assets;
- C. Taking any other action whatsoever which violates 7 U.S.C. §499e(c)(1) through (4) and 7 U.S.C. §499b(4) [§2 of the Perishable Agricultural Commodities Act (“PACA”)];

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D. Transferring, withdrawing, or in any other manner removing PACA trust assets, including funds on deposit in banking accounts held by or on behalf of Defendants at any and all banking institutions, from Defendants' banking accounts, including but not limited to: (1) Defendants' accounts with Wells Fargo Bank; and, (2) any other accounts subsequently discovered to be standing in any Defendants' names.

The motion also requests that defendants be ordered to (*id.* at 2-3):

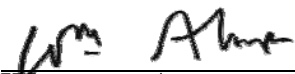
E. Deposit in court or in a separate trust account to be opened by Plaintiff's attorneys, the trust assets, in an amount of at least \$66,095.72, which includes \$62,121.60 in principal, plus interest charges at the rate of 10% per annum accrued through May 3, 2016, in the amount of \$3,574.12, plus costs of \$400.00, all of which is perfected under the PACA trust provisions pursuant to 7 U.S.C. §499(e)(c) et seq. In the event that Defendants lack sufficient funds to promptly deposit the total sum requested, Defendants shall transfer any and all monies in its bank accounts or on hand with the registry of the Court or into a trust account in the name of Plaintiff's attorney. Any or all receivables or monies which Defendants obtain subsequent to the \$66,095.72 deposit required above.

F. Authorize and [sic] any other banking institutions maintaining subsequently discovered accounts standing in any Defendants' names to release information about the above-described accounts, including the amounts contained in the accounts, in confidence and only to the extent necessary to verify compliance with the terms of this Order.

Plaintiff is hereby **ORDERED TO PERSONALLY SERVE ON ALL DEFENDANTS**, by **NOON ON MAY 6, 2016**, the complaint in this case, the motion for a TRO (along with all accompanying exhibits and documents), and a copy of this order. Defendants shall respond to plaintiff's motion by **NOON ON MAY 10, 2016**. A hearing on the motion for a TRO is hereby set for **1:30 P.M. ON MAY 12, 2016**.

IT IS SO ORDERED.

Dated: May 5, 2016.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE