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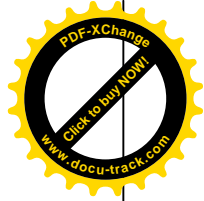
5 Attorney for Defendants JOHN D. TAMAGNI and ROBERT ELLIOTT

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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
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12 FRESH START ADVANTAGE, INC, a) **Case No.: CO8-03697 JSW**
corporation; FRESH KIST PRODUCE, LLC,) **STIPULATION FOR CHANGE OF**
13 a limited liability company,) **VENUE AND PROPOSED ORDER**
14)
Plaintiffs,)
15)
vs.)
16)
JOHN D. TAMAGNI, an individual, and)
17 ROBERT ELLIOTT, an individual.)
18)
Defendants.)
19)

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21 **IT IS HEREBY STIPULATED AND AGREED** by and between Plaintiffs FRESH
22 START ADVANTAGE, INC. and FRESH KIST PRODUCE, LLC and Defendants JOHN D.
23 TAMAGNI and ROBERT ELLIOTT, and their respective counsel of record, that in accord with
24 Civil Local Rules 3-2(c)(e), the above-captioned case is hereby transferred to the United States
25 District Court, Northern Division of California, San Jose Division. The clerk of this court is hereby
26 authorized to transfer all of the pleadings and papers herein to the clerk of that court.

27 *(Signatures continued on next page)*



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Dated: December 18, 2008

RYNN & JANOWSKY, LLP

By: s/s Marion Quesenbery
Marion J. Quesenbery, Attorneys
for Plaintiffs FRESH START
PRODUCE, INC., and FRESH KIST
PRODUCE, LLC

Dated: December 22, 2008

LAW OFFICES OF CLYDE C. PEARCE

By: s/s Clyde C. Pearce
Clyde C. Pearce, Attorney
for Defendants JOHN D. TAMAGNI
and ROBERT ELLIOTT

ORDER

IT IS SO ORDERED that the above-captioned action is hereby transferred to the United States District Court, Northern Division of California, San Jose Division. The clerk of this court is authorized to transfer all of the pleadings and papers herein to the clerk of that court.

Dated: January 7, 2009


UNITED STATES DISTRICT COURT JUDGE