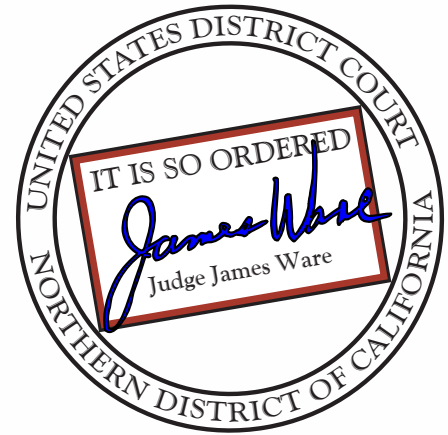


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8 Attorneys for Plaintiff  
 9 CHONG'S PRODUCE, INC.



10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN JOSE DIVISION

13 CHONG'S PRODUCE, INC.

Case No. C 09 00659 JW

14 Plaintiff,

15 ~~(PROPOSED)~~ JUDGMENT UNDER THE  
 16 PERISHABLE AGRICULTURAL  
 17 COMMODITIES ACT (7 U.S.C. §499e)

18 v.

19 ANO SAMIKO, INC. dba SOUTH VALLEY  
 20 PRODUCE, a California Corporation; FOTIS  
 21 DIONISOPOULOS, individually, and DOES 1  
 22 to 10,

23 Defendants.

24 A Complaint was filed by Plaintiff CHONG'S PRODUCE, INC. against ANO SAMIKO,  
 25 INC. dba SOUTH VALLEY PRODUCE, a California Corporation; and FOTIS  
 26 DIONISOPOULOS, individually, on February 13, 2009. On February 13, 2009, this Court issued a  
 27 Temporary Restraining Order against ANO SAMIKO, INC.

28 A hearing on Plaintiff's motion for Preliminary Injunction and Motion to Consolidate the  
 Trial on the Merits was heard on February 23, 2009 at 9:00 a.m. Susan E. Bishop appeared as  
 counsel for Plaintiff. Defendant did not appear.

Accordingly, **IT IS HEREBY ORDERED:**

A. Chong's Produce is a valid trust beneficiary of ANO SAMIKO, INC. pursuant to

1 Section 5(c) of the PACA, 7 U.S.C. §499e(c), in the aggregate amount of \$24,734.12, exclusive of  
2 interest and attorneys' fees and costs for violation of PACA by failing to maintain PACA trust  
3 assets and failing to pay CHONG'S PRODUCE, INC. promptly under 7 U.S.C. §§499b(4) and  
4 (e)(c)(2).

5 B. Starting in 1999, Plaintiff CHONG'S PRODUCE, INC. began selling Produce to  
6 ANO SAMIKO, INC. in interstate commerce. In 2008, ANO SAMIKO, INC. purchased from  
7 Plaintiff produce in the amount of \$24,734.12. Plaintiff CHONG'S PRODUCE, INC. delivered the  
8 Produce to ANO SAMIKO, INC. and ANO SAMIKO, INC. accepted the Produce from Plaintiff  
9 but ANO SAMIKO, INC. failed to pay the invoices related to those orders. As of February 13,  
10 2009, ANO SAMIKO, INC. has failed to pay the principal balance due of \$24,734.12.

11 C. FOTIS DIONISOPOULOS, as the President of ANO SAMIKO, INC. had a duty to  
12 ensure that ANO SAMIKO, INC. fulfilled its duties as a PACA trustee, and maintained PACA  
13 Trust Assets in such a manner so as to ensure there were, at all times, sufficient Trust Assets  
14 available to satisfy all outstanding PACA trust obligations, such as that owed to Plaintiff, as they  
15 became due. FOTIS DIONISOPOULOS breached his fiduciary duty to direct ANO SAMIKO,  
16 INC. to fulfill its duty as a PACA trustee to preserve and maintain sufficient PACA Trust Assets to  
17 pay Plaintiff for the Produce supplied by it to ANO SAMIKO, INC.. As a direct result of FOTIS  
18 DIONISOPOULOS' breach of fiduciary duty, Plaintiff has incurred damages in the amount of  
19 \$24,734.12, plus interest from the date each invoice became past due, costs and attorneys' fees.  
20 FOTIS DIONISOPOULOS is personally liable to Plaintiff for the breach of their fiduciary duty in  
21 dissipating the PACA trust.

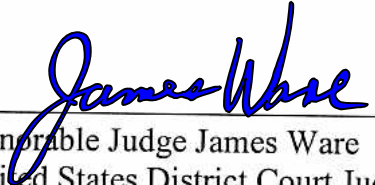
22 D. Judgment is hereby entered in favor of Plaintiff CHONG'S PRODUCE, INC. and  
23 against ANO SAMIKO, INC. and FOTIS DIONISOPOULOS, jointly and severally in the amount  
24 of \$24,734.12, plus interest, costs and reasonable attorney's fees.

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**IT IS SO ORDERED** in Chambers at San Jose, California this 18 day of March 2009.

  
\_\_\_\_\_  
Honorable Judge James Ware  
United States District Court Judge