

E-Filed 3/8/10

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

BRAGA RANCH, INC., a Corporation;

Plaintiff,

v.

SALYER AMERICAN FRESH FOODS, a California Corporation; SCOTT SALYER, an individual; ERIC SCHWARTZ, an individual, an individual; JOHN BRYCE, an individual; ALLAN SABATIER, an individual; MARK MCCORMICK, an individual; STEVE FRANSON, as receiver appointed in the case of *Bank of the West v. Salyer American Fresh Foods, Salyer American Cooling*, Monterey County Superior Court Case Number GNM98573; and DOES 1 through 50, inclusive,

Defendants.

MAJOR FARMS, INC., a California corporation,

Plaintiff,

v.

SALYER AMERICAN FRESH FOODS, a California Corporation; SCOTT SALYER, an Individual; STEVE FRANSON, as Receiver appointed in the case of *Bank of the West v. Salyer American Fresh Foods, Salyer American Cooling*, Monterey County Superior Court Case Number GNM98573; and BANK OF THE WEST, a California Banking Corporation,

Defendants.

Case Number C 09-4207 JF

ORDER¹ GRANTING PLAINTIFFS' JOINT MOTION FOR ESTABLISHMENT OF SEGREGATED PACA ACCOUNT AND PACA TRUST CLAIMS PROCEDURE FOR DETERMINATION AND PAYMENT OF VALID PACA CLAIMS AND DEFERRING RULING ON DEFENDANT'S MOTIONS TO DISMISS

Case Number C 09-4985 JF

¹ This disposition is not designated for publication in the official reports.

1 HIGASHI FARMS, INC., a corporation;
2 K&S FARMS, LLC, a limited liability
3 company; M. NISHIMORI FARMS, INC., a
4 corporation; MANN PACING CO., INC., a
5 corporation; MARTIN JEFFERSON &
6 SONS, a partnership; MERRILL FARMS,
7 LLC, a limited liability company; NEW
8 STAR FRESH FOODS, LLC, a limited
9 liability company; TAYLOR FARMS
10 CALIFORNIA, INC., a corporation
11 Plaintiff,

12 v.

13 BANK OF THE WEST, a California banking
14 corporation, as Administrative Agent for
15 itself, AGSTAR FINANCIAL SERVICES,
16 PCA/FLCA, and FCS FINANCIAL, PCA;
17 STEVE FRANSON, as Receiver for
18 SALYER AMERICAN FRESH FOODS, a
19 California Corporation,

20 Defendants.

21 G&H FARMS, LLC, a California limited
22 liability company; JOHN S. TAMAGNI &
23 SONS, INC., a California corporation;
24 PEDRAZZI FARMS, INC., a California
25 corporation; ED MEHL, an individual; and
26 C&G FARMS, a California corporation,

27 Intervening Plaintiffs.
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As limited by the discussion on the record at the motion hearing on March 5, 2010,
Plaintiffs' joint motion will be granted. Determination of Defendant's motions to dismiss will be
deferred pending completion of the PACA claims procedure. Discovery is hereby stayed with
respect to all claims except for the PACA claims until further order of the Court. The Court
makes no determination as to the legal relationship between PACA and non-PACA-related

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1 claims, including but not limited to the applicability of issue and claim preclusion.

2 **IT IS SO ORDERED.**

3 DATED: 3/8/10



JEREMY FOGEL
United States District Judge

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