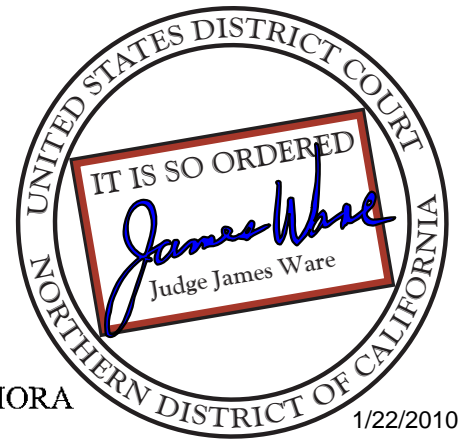


1 B. JAMES FITZPATRICK (Bar No.129056)  
 CHARLES SWANSTON (Bar No.181882)  
 2 FITZPATRICK, SPINI & SWANSTON  
 Attorneys at Law  
 3 838 South Main Street, Suite E  
 Salinas, California 93901  
 4 Telephone: (831) 755-1311  
 Facsimile: (831) 755-1319



5 Attorneys for Plaintiffs, FELISA ESTRADA and SERGIO ZAMORA

1/22/2010

7 **UNITED STATES DISTRICT COURT**  
 8 **NORTHERN DISTRICT OF CALIFORNIA**  
 9 **SAN JOSE DIVISION**

10 FELISA ESTRADA and SERGIO ZAMORA,  
 11 individually and on behalf of other similarly  
 12 situated persons,

13 Plaintiffs,

14 v.

15 SALYER AMERICAN, a California  
 Corporation; SALYER AMERICAN FRESH  
 16 FOODS, INC., a California Corporation; SK  
 FOODS, L.P., a California Limited Partnership;  
 17 SK FROZEN FOODS, LLC, a California  
 Limited Liability Company; THE SCOTT  
 SALYER REVOCABLE TRUST; RHM  
 18 INDUSTRIAL/SPECIALTY FOODS, INC., a  
 California Corporation; SCOTT SALYER,  
 19 individually and doing business as SALYER  
 AMERICAN; BANK OF THE WEST, a  
 20 California banking Corporation; AGSTAR  
 FINANCIAL SERVICES, PCA/FLCA; FCS  
 21 FINANCIAL, PCA; STEVE FRANSON; and  
 DOES 1 through 100, inclusive,

22 Defendants.

Case No. CV 09-05618 JW

**NOTICE OF VOLUNTARY  
 DISMISSAL OF PARTIES**

24 NOTICE IS HEREBY GIVEN that pursuant to Federal Rules of Civil Procedure  
 25 41(a)(1)(A)(i), plaintiffs voluntarily dismiss from the above-captioned action, defendants SK  
 26 FOODS, L.P and RHM INDUSTRIAL/SPECIALTY FOODS, INC without prejudice. All parties  
 27 are to bear their own attorneys' fees and costs.  
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Date: January 19, 2010

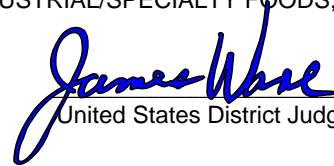
FITZPATRICK, SPINI & SWANSTON

/s/ \_\_\_\_\_  
CHARLES SWANSTON  
Attorneys for Plaintiffs  
FELISA ESTRADA and SERGIO ZAMORA

IT IS SO ORDERED:

The Clerk shall terminate defendants SK FOODS, L.P and RHM INDUSTRIAL/SPECIALTY FOODS, INC. from the docket.

Dated: January 22, 2010

  
United States District Judge

1 **CERTIFICATE OF SERVICE**

2 I am employed in the County of Monterey, State of California. I am over the age  
3 of 18 and not a party to the within action; my business address is FITZPATRICK, SPINI &  
4 SWANSTON, 838 S. Main Street, Suite E, Salinas, California 93901.

5 On January 19, 2010, I served the foregoing document(s), described as

6 **NOTICE OF VOLUNTARY DISMISSAL OF PARTIES**

7 on the interested parties in this action by placing a true copy thereof enclosed in a parcel and  
8 addressed as indicated below and by the following means:

9 SK Foods, LP  
10 c/o F. Scott Salyer  
11 1175 19<sup>th</sup> Avenue  
12 Lemoore, CA 93245

RHM Industrial/Specialty Foods, Inc.  
c/o Richard B. Washburn  
1175 19<sup>th</sup> Avenue  
Lemore, CA 93245

13 XX

(BY MAIL) I enclosed the document(s) in a sealed envelope or package addressed to the person(s) listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

14 \_\_\_\_\_

(BY OVERNIGHT DELIVERY) I enclosed the document(s) in an envelope or package and addressed to the person(s) listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

15 \_\_\_\_\_

(BY PERSONAL SERVICE) I caused such document(s) to be delivered by hand to the office(s) of the addressee(s) during business hours.

16 \_\_\_\_\_

(BY FACSIMILE) I sent a true copy thereof via telephone facsimile transmission to the fax number(s) listed above. No error was reported by the fax machine that I used.

17 \_\_\_\_\_

(BY E-MAIL OR ELECTRONIC TRANSMISSION) By court order or by agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the person(s) at the e-mail address(es) listed above. I did not receive within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

18 I declare under penalty of perjury under the laws of the State of California that  
19 the foregoing is true and correct, and that this declaration was executed on January 19, 2010, at  
20 Salinas, California.

21 /s/  
22 \_\_\_\_\_  
23 Gladys O. Rodriguez