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5 Attorney for Plaintiff,
 Western Harvesting, LLC
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 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
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11 **WESTERN HARVESTING, LLC, a California**
 12 **limited liability company**

13 **Plaintiff,**
 14

15 **v.**

16 **RIVIERA PRODUCE CORP., a New York**
Corporation, BENJAMIN FRIEDMAN,
 17 **SHARYN FRIEDMAN, MICHAEL**
 18 **SCICCHITANO, and DOES 1 through 20,**
Inclusive,

19 **Defendants.**
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Case No. CV 10-02551

**STIPULATION FOR ENTRY OF
 JUDGMENT AND ORDER
 THEREON**

22
 23 IS HEREBY STIPULATED by and between the parties that JUDGMENT be entered as
 24 follows:

25 1. Defendants Riviera Produce Corp., Benjamin Friedman, Sharyn Friedman, and
 26 Michael Scicchitano ("Defendants") stipulate that judgment be entered against Defendants in
 27 favor of Plaintiff Western Harvesting, LLC ("Plaintiff"), on the First, Second, Third, and
 28

1 Fifth Causes of Action of Plaintiff's Complaint alleging Breach of Contract, Enforcement of the
2 Statutory Trust Provisions of the Perishable Agricultural Commodities Act, (7 U.S.C. §
3 499e(c)(1)-(4)), Violation of the Perishable Agricultural Commodities Act for Failure to Account
4 and Pay Promptly (7 U.S.C. § 499a et seq.), and Unjust Enrichment in the amount of One
5 Hundred Thousand Dollars (\$100,000.00) with interest thereon accruing after 90 days from the
6 date that this Stipulated Judgment is executed at a rate of ten percent (10%) per annum, minus
7 any payments made by Defendants on account of the attached Settlement Agreement executed
8 *August 17*, 2010. Said Judgment shall immediately require Defendants to account for and pay all
9 PACA trust assets to Plaintiff in the amount of \$100,000.00.
10
11

12 2. Plaintiff will not execute this Judgment so long as Defendants satisfies the
13 payment terms set forth in paragraph 2(a) of the Settlement Agreement.
14

15 3. Plaintiffs are valid trust creditors under Section 5(c) of PACA, 7 U. S.C. Section
16 499e(c) against Defendants.

17 4. Upon payment in full, Plaintiff shall file a Notice of Satisfaction of Judgment with
18 the Court and shall provide a copy to Defendants.

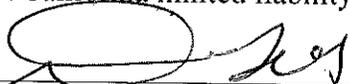
19 5. The parties jointly stipulate that in the event that any legal action or collection
20 actions is necessary to enforce the terms of this Stipulation, the prevailing party in such action
21 shall be entitled to recover its reasonable attorney's fees and costs.
22

23 6. This Stipulation may be executed in any number of counterparts, each of which
24 shall be an original, but all of which together shall constitute one instrument. The parties agree
25 that a facsimile signature shall be treated in all respects as having the same effect as an original
26 signature.
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1 7. The signatories to this Stipulation assert and represent that they are fully
2 empowered and authorized to execute this Stipulation on behalf of the entity for whom they
3 purport to sign.
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6 Dated: August 17, 2010

Western Harvesting, LLC
A California limited liability company

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9 _____
David Gill

10 Dated: August 17, 2010

Riveria Produce, Corp.
A New York corporation

11  *President*
12 _____
Benjamin Friedman, President

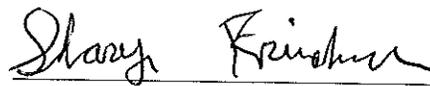
13 Dated: August 17, 2010

Benjamin Friedman

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16 _____
Benjamin Friedman

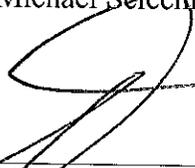
17 Dated: August 17, 2010

Sharyn Friedman

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Sharyn Friedman

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23 Dated: August 17, 2010

Michael Scicchitano

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26 Michael Scicchitano
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ORDER

Based on the stipulation above, and finding good cause therefore, it is hereby ORDERED that JUDGMENT be entered, as set forth herein on the terms set forth herein.

The parties shall file a stipulation of dismissal upon satisfaction of the judgment, which shall be no later than thirty (30) days after this Order.

Dated: September 28, 2010

Lucy H. Koh
United States Judge