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**\*E-FILED 02-02-2011\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

DOBLER & SONS, LLC and SLO COUNTY ORGANICS, LLC,,

No. C10-04092 HRL

Plaintiffs,

**ORDER DENYING WITHOUT PREJUDICE OCEANO PACKING COMPANY'S REQUEST TO FILE COMPLAINT-IN-INTERVENTION**

v.

[Re: Docket No. 12]

CALIFORNIA ORGANICS, LLC; GEOFF MOUSSEAU; MICHAEL BARNES; DAN FANTZ; CALIFORNIA FARMS, INC.; MANJAR, INC.; and CALIFORNIA FARMS INVESTORS, LLC,

Defendants.

Oceano Packing Company, LLC (OPC) seeks leave to intervene in this matter. Its request, however, is deficient for at least the following reasons: OPC has not described the grounds for intervention with sufficient specificity to allow the court to rule. Nor has OPC submitted a copy of its proposed complaint-in-intervention. FED. R. CIV. P. 24(c) (“The motion must state the grounds for intervention and be accompanied by a pleading that sets out the claim or defense for which intervention is sought.”). While plaintiffs apparently do not object to OPC’s request, there is no indication that OPC’s request or its proposed complaint-in-intervention have been served on any of the defendants to this litigation.<sup>1</sup> *See id.* (“A motion to intervene must be served on the parties as provided in Rule 5.”).

<sup>1</sup> Although none of the defendants have formally appeared in this matter, several of them are represented by counsel. And, those defendants have been filing (via plaintiffs’ counsel) various documents in this litigation.

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Accordingly, on the record presented, OPC's request to intervene is denied without prejudice to OPC to renew its request through a properly noticed motion served on all parties, or via a stipulation signed by all parties to this lawsuit.

SO ORDERED.

Dated: February 2, 2011



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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

1 5:10-cv-04092-HRL Notice has been electronically mailed to:

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5 Counsel are responsible for distributing copies of this document to co-counsel who have not  
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