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 9 United Security Bank, a California corporation

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 17 Double M Ranches Inc., and MKM Farms, Inc.

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22 Attorneys for: Defendants Chieftain Harvesting, Inc., David Mills, and Joseph Esquivel

23 **UNITED STATES DISTRICT COURT**  
 24 **NORTHERN DISTRICT OF CALIFORNIA**

25 **WHOLE LEAF USA, LLC; et al.,**

26 Plaintiffs,

27 v.

28 **UNITED SECURITY BANK; et al.**

Defendants.

**AND RELATED CROSSCLAIMS,  
 COUNTERCLAIM, AND THIRD  
 PARTY COMPLAINT**

Case No. 5:13-cv-3833-BLF

Order re:

**STIPULATIONS TO DISMISS WITH  
 AND WITHOUT PREJUDICE**

**[Fed. R. Civ. Proc. 40(a)(1)]**

Complaint Filed: August 19, 2013

Cross-Actions Filed: October 11, 2013

Trial Date: May 4, 2015

Courtroom: 3

Honorable Beth Labson Freeman

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1 Pursuant to Federal Rule of Civil Procedure 41(a)(1), Plaintiffs Whole Leaf  
2 USA, LLC and Double M Ranches, Inc., on behalf of themselves only, voluntarily dismiss  
3 Defendants Chieftain Harvesting, Inc., Mr. David Mills and United Security Bank with  
4 prejudice. Separately, United Security Bank requests the Court also dismiss, without prejudice  
5 under Rule 41(a)(1), its Counterclaim against Whole Leaf USA filed October 11, 2013,  
6 (Docket No. 20) only. In light of the requested Dismissals, the remaining claims and parties  
7 that are unaffected by this Stipulation are:

8 1. Field Fresh Farms, LLC and MKM Farms Inc., claims against  
9 Defendants United Security Bank, Chieftain Harvesting, Inc. and Mr. David Mills;

10 2. United Security Bank's Answer and Cross-Complaint against Chieftain  
11 Harvesting, Inc., and Mr. David Mills; and

12 3. United Security Bank's Third Party Complaint against Mr. Joseph  
13 Esquivel.

14 All parties waive the right to recover all fees and costs relating to the Dismissals  
15 by Whole Leaf USA, Double M Ranches, Inc. and, United Security Bank, Inc; however,  
16 neither Whole Leaf USA nor Double M Ranches, Inc., waive any remedy that may be secured  
17 from the United States Department of Agriculture for the sums past due from Chieftain  
18 Harvesting, Inc.

19 DATED: July 22, 2014.

WANGER JONES HELSLEY PC

20 By         /s/ Patrick D. Toole        

21 Oliver W. Wanger

22 Timothy Jones

Patrick D. Toole

Attorneys for Defendant United Security Bank

23 DATED: July 22, 2014.

RYNN & JANOWSKY, LLP

24 By         /s/ Marion I. Quesenberg        

25 Marion I. Quesenberg

26 Patricia J. Rynn

27 Attorneys for Plaintiffs Whole Leaf USA,  
28 LLC; Field Fresh Farms, LLC;

Double M Ranches Inc., and

MKM Farms, Inc.

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DATED: July 22, 2014.

JOHNSON, MONCRIEF, & HART PC


By           /s/ Dennis Lewis            
Dennis Lewis  
Defendants Chieftain Harvesting, Inc.,  
David Mills, and Joseph Esquivel

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The claims against all defendants by Plaintiffs Whole Leaf USA LLC and Double M Ranches Inc. are dismissed with prejudice. The counterclaim against Whole Leaf USA LLC by Defendant United Security Bank is dismissed without prejudice.

IT IS SO ORDERED.

Date: July 23, 2014

  
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BETH LABSON FREEMAN  
United States District Judge