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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

ROSE FRESH INTERNATIONAL, L.L.C.,  vs.  SAN DIEGO POINT PRODUCE, INC., et al.,  Defendants.
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CASE NO. 09cv1772 DMS (WVG)  
**ORDER GRANTING PLAINTIFF'S  
MOTION FOR SUMMARY  
JUDGMENT**  
**[Docket No. 30]**

Plaintiff's motion for summary judgment came on for hearing on July 23, 2010. James Lewin appeared for Plaintiff, and Jason Turner appeared for Defendant San Diego Point Produce. After reviewing Plaintiff's brief and supporting documents, and hearing oral argument from counsel, Plaintiff's motion is granted as to Defendant San Diego Point Produce, Inc. only.

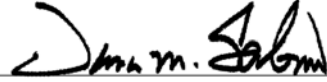
Plaintiff is a valid trust beneficiary of San Diego Point Produce, Inc. in the amount of \$18,291.60, plus prejudgment contractual interest at a rate of 12% per annum of \$2,194.99 for a total amount of \$20,486.59 under Section 5(c) PACA, U.S.C. § 499e(c). Plaintiff is also entitled to \$30,253.20 on its second claim for failure to pay for goods sold. The Court also finds Plaintiff is entitled to post-judgment interest and attorneys fees.

In light of the individual Defendants' bankruptcy proceeding and the resulting stay of this case as to those Defendants, the Court declines to set a hearing date or briefing schedule on any attorneys fees motion or the amount of post-judgment interest at this time. Rather, the stay imposed on July 12,

1 2010, shall remain in place until the bankruptcy proceeding is resolved. Plaintiff's counsel shall apply  
2 to lift the stay once that occurs. The Clerk of Court shall administratively close this case until that  
3 time.

4 **IT IS SO ORDERED.**

5 DATED: July 27, 2010



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7 HON. DANA M. SABRAW  
8 United States District Judge  
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