

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
**Chief Judge Wiley Y. Daniel**

Civil Action No. 10-cv-00620-WYD-BNB

AMERICAN PRODUCE, LLC, a limited liability company,

Plaintiff,

v.

AZTECA RANCH MARKET, INC., a California corporation;  
AZTECA RANCH MARKET #2, INC., a Colorado corporation;  
AZTECA RANCH MARKET #3, INC., a Colorado corporation;  
FELIX RIVERA, an individual;  
NORMA ARANA, an individual; and  
JOHN M. LUNA, an individual,

Defendants.

---

**FINAL ORDER AND JUDGMENT**

---

THIS MATTER is before the Court on the Motion for Order Approving Stipulation for Entry of Judgment Against Defendants (Docket No. 5 filed April 22, 2010). The Court, having reviewed the Motion and the attached Stipulation for Entry of Judgment entered into by and between Plaintiff American Produce, LLC, and Defendants Azteca Ranch Market, Inc., Azteca Ranch Market #2, Azteca Ranch Market #3, and Felix Rivera, hereby

ORDERS that the Motion for Order Approving Stipulation for Entry of Judgment Against Defendants is **GRANTED**, and the Stipulation for Entry of Judgment Against Defendants (Exhibit A to Motion) is **APPROVED**. In accordance therewith, it is

ORDERED, ADJUDGED AND DECREED that Plaintiff is a valid trust beneficiary of Defendants Azteca Ranch Market, Inc., Azteca Ranch Market #2, Inc., Azteca Ranch

Market #3, Inc., and Felix Rivera, jointly and severally, for a debt in the principal amount of \$443,640.09, plus contractual finance charges in the aggregate amount of \$3,059.71, through April 5, 2010, calculated at the rate of 1.5% per month (18% annually) under Section 5(c) of the Perishable Agricultural Commodities Act ("PACA"), 7 U.S.C. § 499e(c), itemized as follows:

	<u>Principal</u>	<u>Finance Charges</u>
Azteca Ranch Market, Inc.	\$143,948.60	\$1,012.86
Azteca Ranch Market #2, Inc.	\$191,402.25	\$1,610.01
Azteca Ranch Market #3, Inc.	\$108,290.05	\$436.89

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiff is entitled to recover its attorneys' fees and costs in the amount of \$8,250.00, and that said attorneys' fees and costs are subject to the trust provisions of PACA.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of Plaintiff and against Defendants Azteca Ranch Market, Inc., Azteca Ranch Market #2, Inc., Azteca Ranch Market #3, Inc., and Felix Rivera, jointly and severally, in the principal amount of \$443,640.90, plus finance charges in the aggregate amount of \$3,059.71, attorneys' fees in the amount of \$8,250.00, and costs in the amount of \$350.00, for a total judgment amount of \$455,300.61, plus post-judgment interest at the contract rate of 1.5% per month until paid in full under the trust provisions of the PACA, 7 U.S.C. § 499e(c).

Dated this 5th day of May, 2010.

BY THE COURT:

s/ Wiley Y. Daniel  
WILEY Y. DANIEL,  
CHIEF UNITED STATES DISTRICT JUDGE