

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 12-cv-01145-WJM-BNB

FEDERAL FRUIT & PRODUCE COMPANY,

Plaintiff,

v.

LIBORIO MARKETS #9, INC.,
LIBORIO MARKETS #11, INC.,
LIBORIO COLORADO HOLDING CO.,
LIBORIO HOLDING CO.,
TRIPLE A GROCERS, INC.,
JOHN ALEJO, individually and in his corporate capacity,
RANDY ALEJO, individually and in her corporate capacity,
ENRIQUE M. ALEJO, individually and in his corporate capacity, and
ENRIQUE J. ALEJO, individually and in his corporate capacity,

Defendants.

ORDER

This matter arises on:

(1) The **Unopposed Motion to Withdraw as Counsel of Record for Defendants John Alejo, Enrique M. Alejo, Enrique J. Alejo** [Doc. # 42, filed 9/20/2012] (the “Motion to Withdraw”); and

(2) **Plaintiff’s Motion for Leave to File Amended Complaint** [Doc. # 49, filed 10/5/2012] (the “Motion to Amend”).

I held a hearing on the motions this afternoon and made rulings on the record, which are incorporated here.

IT IS ORDERED:

(1) The Motion to Withdraw [Doc. # 42] is GRANTED. John M. Tanner of the law firm of Fairfield and Woods, P.C., is relieved of any further responsibility in the case.

Defendants John Alejo, Enrique M. Alejo, and Enrique J. Alejo are cautioned that they are personally responsible for complying with all court orders and time limitations established by applicable rules, and their failure to comply may result in the imposition of sanctions including default judgment.

(2) The Motion to Amend [Doc. # 49] is GRANTED. The plaintiff may file an amended complaint, on or before November 9, 2012, adding Banco Popular North America, Inc., as a defendant and asserting claims against it for conversion, disgorgement, and unlawful retention of PACA Trust assets.

Dated October 26, 2012.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge