

**UNITED STATES DISTRICT COURT
DISTRICT OF IDAHO**

NATIONAL MILK PRODUCERS FEDERATION,
dba COOPERATIVES WORKING TOGETHER,

Plaintiff,

vs.

BANNER BANK

and

JACK DAVIS AND JIM DAVIS, dba IDACREST
FARMS, INC.,

Defendants

Case No.: CV 09-551

**MEMORANDUM DECISION AND
ORDER RE: MOTION FOR LEAVE
TO DEPOSIT FUNDS IN THE
REGISTRY OF THE COURT**

(Docket No. 16)

Currently pending before the Court is Plaintiff's Motion for Leave to Deposit Funds in the Registry of the Court (Docket No. 16). The Motion is unopposed by Defendants. *See* Joint Non-Opposition to Mot. for Leave to Deposit Funds (Docket No. 17). Having carefully reviewed the record and otherwise being fully advised, the Court hereby GRANTS Plaintiff's Motion.

ORDER

IT IS HEREBY ORDERED that Plaintiff's Motion for Leave to Deposit Funds in the Registry of the Court (Docket No. 16) is GRANTED.

IT IS FURTHER ORDERED that the Clerk of the Court invest the amount of \$823,192.24 in an automatically renewable money market account, in the name of the Clerk of

MEMORANDUM DECISION AND ORDER - 1

the Court, U.S. District Court, at Bank of America; said funds to remain invested pending further order of the Court.

IT IS FURTHER ORDERED that the Clerk of the Court must deduct a fee from the income earned on the investment equal to ten percent (10%) of the income earned while the funds are held in the Court's registry fund, regardless of the nature of the case underlying the investment and without further order of the Court. The interest payable to the U.S. Courts must be paid prior to any other distribution of the account. Investments having a maturity date will be assessed the fee at the time the investment instrument matures.

IT IS FURTHER ORDERED that counsel presenting this order personally serve a copy thereof on the Clerk of the Court or his or her financial deputy.



DATED: **November 24, 2009**

A handwritten signature in black ink, appearing to read "Ronald E. Bush".

Honorable Ronald E. Bush
U. S. Magistrate Judge