

1 **Jan T. Perkins #057995**
2 **Jerry H. Mann #095466**
3 **Douglas V. Thornton #154956**
4 **Craig A. Tristao # 256528**
5 **PERKINS, MANN & EVERETT**
6 **A Professional Corporation**
7 **2222 West Shaw Avenue, Suite 202**
8 **Fresno, California 93711**
9 **Telephone (559) 447-5700**
10 **Facsimile (559) 447-5600**

11 Attorney for: Plaintiff TERRENCE J. LONG, TRUSTEE PURSUANT TO COURT ORDER

12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

14 **ONIONS ETC., INC., and DUDA FARM**
15 **FRESH FOODS, INC.,**

16 Plaintiffs,

17 v.

18 **Z & S FRESH, INC., a California corporation;**
19 **Z & S DISTRIBUTING COMPANY, INC., a**
20 **California corporation; MARTIN J.**
21 **ZANINOVICH, an individual; LOREN**
22 **SCHOENBURG, an individual; MARGE**
23 **SCHOENBURG, an individual,**

24 Defendants.

25 **TERRENCE J. LONG, TRUSTEE**
26 **PURSUANT TO COURT ORDER**

27 Proposed Intervener,

Case No.: 1:09-cv-00906-OWW-SMS

ORDER AFTER HEARING RE MOTION
FOR INTERVENTION [406]

Date: January 20, 2010

Time: 10:30 a.m.

Dept: 7

28 This Court, having on January 20, 2010, heard argument on the Motion for
Intervention filed by TERRENCE J. LONG, TRUSTEE PURSUANT TO COURT ORDER
DATED 06/24/2009 (“Trustee”) of the PACA Trust, orders as follows:

////

////

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the PACA
2 Trust be added as a party to the case *Onions Etc., Inc. et al v. Z & S Fresh, Inc. et al.*, case
3 #1:09-cv-00906-OWW-SMS (the “**Pending Lawsuit**”).

4 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that the Trustee
5 shall file his Complaint in Intervention within seven (7) days of the date this Order is served.

6 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that responses to
7 the Complaint in Intervention shall be due within twenty (20) days of service of the Complaint
8 in Intervention on the Defendants.

9 DATED: February 11, 2010

10 /s/ Sandra M. Snyder
11 U.S. Magistrate Judge Sandra M. Snyder
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

STATE OF CALIFORNIA
COUNTY OF FRESNO

I am employed in the County of Fresno, State of California. I am over the age of 18 and not a party to the within action; my business address is 2222 W. Shaw Avenue, Suite 202, Fresno, California 93711.

On February 3, 2010, I served the document(s) described as **ORDER AFTER HEARING RE MOTION FOR INTERVENTION** on the interested party(ies) in this action by placing true copies thereof enclosed in sealed envelope(s) and/or package(s) addressed as follows:

SEE EXHIBIT "A" FOR MAILING LIST

☒ **BY MAIL:** I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Fresno, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in the affidavit.

☐ **BY FACSIMILE:** I caused said document(s) to be transmitted by facsimile pursuant to Rule 2.306 of the California Rules of Court. The telephone number of the sending facsimile machine was (559) 447-5600. The name(s) and facsimile machine telephone number(s) of the person(s) served are set forth in the service list. The sending facsimile machine (or the machine used to forward the facsimile) issued a transmission report confirming that the transmission was complete and without error. The date and time of the transmission is set forth in a copy of that report that is attached to this declaration.

☐ **BY PERSONAL SERVICE:** I caused such envelope(s) to be delivered by hand to the offices of the addressee(s).

☒ **BY ELECTRONIC MAIL:** *By filing electronically with the U.S. District Court, Eastern Division, and opting to receive service by electronic mail, service of this document is hereby deemed served.*

☐ (State) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on February 3, 2010, at Fresno, California.

MELANIE M. CHACON

MAILING LIST

1 2 3 4 5	Lawrence H. Meuers, Esq. lmeuers@meuerslawfirm.com Katy Koestner Esquivel kesquivel@meuerslawfirm.com	<i>Counsel for: Onions, Etc., Inc., Duda Farm Fresh Foods, Inc., Calavo Growers, Inc., Cecelia Packing Corporation, APB, Inc., dba Tavilla Sales Company of Los Angeles, Giumarra Farms, Inc., John A. Clark & Addison W. Clark, Jr., dba Clark Farms and Rio Vista, Ltd. dba Giumarra of Nogales, Giumarra International, Giumarra Farms, International</i>
6 7 8 9 10 11 12 13	Bart Botta, Esq. bart@rjlaw.com	<i>Counsel for: Big Chuy Distributors & Sons, Inc., Booth Ranches, LLC, C.H.Distributing, LLC, Cal Fresco, LLC, Divine Flavor, LLC, Epicure Trading, Inc., Fresco Produce, Inc., Fisher Capespan, USA, LLC, Gemco, Inc, Golden Star Citrus, Inc, King Fresh Produce, LLC, Meyer, LLC, Pandol Bros., Inc., Premium Produce Distributors, Inc., R&C Berndt, Inc., Seald Sweet West, Int'l, Inc., SunFed Produce, LLC, Sunny Cove Citrus, LLC, Sunriver Trading Company Ltd, Maria Alvarado, Comercial Alfonso Eyzaguirre Y Cia. Ltda, a Chilean corporation, dba Comey Ltda, Fruit Branch, Inc., Kaweah Avenue Properties, LLC, Kirschenman Enterprises Sales, Salvadore Romero, Zimmerman Farms, Inc.</i>
14 15 16 17	Riley Walter, Esq. ECF@w2lg.com Patrick S. Schoenburg, Esq. pschoenburg@wshblaw.com Norman D. Morrison, IV, Esq. NMorrison@w2lg.com	<i>Counsel for: Z&S Fresh, Inc. and Martin J. Zaninovich</i>
18 19 20	Patrick John Gorman, Esq. pgorman@wctlaw.com	<i>Counsel for: Visalia Produce Sales, Inc., Four Play Farms, Aron Margosian, George Margosian, Margosian Bros., Three Play Farms, Two Play Farms & ZM Fresh Special T's, Inc.</i>
21 22	Devin J. Oddo djoddo@martynlawfirm.com	<i>Counsel for: Del Monte Fresh Produce, N.A. and C.H. Robinson Company</i>
23 24 25	Timothy Ashley Bennett tbenett@joneshelsley.com Timothy Jones, Esq. tjones@joneshelsley.com Melody A. Hawkins, Esq. mah@lrplaw.net	<i>Counsel for: Jewel Marketing & Agribusiness, LLC, dba Crown Jewels</i>
26 27 28	Terence Long tlong10385@aol.com	<i>PACA Trustee</i>

1	Randolf Krbechek, Esq. rkrbechek@msn.com	<i>Counsel for: Schellenberg Farms, Hills Valley Transportation, Inc., and William R. Cotner</i>
2	Mandy Jeffcoach, Esq. mandy.jeffcoach@mccormickbarstow.com	<i>Counsel for: PACA Trustee</i>
3	Joseph Michael Marchini, Esq. jmarchini@bakermanock.com	<i>Counsel for: Peters Fruit Farms, Inc.</i>
4	Christopher Daniel Bell, Esq. cbell@bakermanock.com	
5		
6		
7	Danial Zackary Smith, Esq. zsmith@visalialaw.com	<i>Counsel for: Wildwood Produce Sales, Inc.</i>
8		
9	Steven Koch, Esq. smk@thecalifornialawyers.com	<i>Counsel for: Rick Dreio</i>
10		
11	Nathan D. Ide, Esq. nathan@ndilaw.com	<i>Counsel for: Joe W. Russell and Mark L. Pascoe</i>
12		
13	Barry E. Weber, Esq. barry@barryweberlaw.com	<i>Counsel for: Larry Gardner</i>
14		
15	Donald Paul Lescoulie, Esq. Lescoulie@sti.net	<i>Counsel for: Jacob Hiebert</i>
16		
17	Robert E. Goldman, Esq. robert@goldmanlaw.com	<i>Counsel for: Dandrea Produce, Inc.</i>
18		
19	Leonard Kreinces, Esq. leonard@kresq.com	<i>Counsel for: I.G. Fruit, Inc.</i>
20		
21	Scott J. Ivy, Esq. sji@lrplaw.net	<i>Counsel for: Fresno-Madera Federal Land Bank Association, FLCA</i>
22		
23	Robert Porter Lewis, Jr. rpljr@choatelaw.net	<i>Counsel for: Del Monte Fresh Produce N.A. and C.H. Robinson Company</i>
24		
25	John P. Flynn, Esq. jpf@mcleodwitham.com	<i>Counsel for Loren Schoenburg and Margaret Schoenburg</i>
26		
27		
28	Joseph Lewis Horswill, Esq. jlhorswill@tulareesq.com	<i>Counsel for Claimant Diego Lua</i>

Via Regular Mail

Randy Orlick, Esq.
Cox, Castle & Nicholson
2049 Century Park E., #2800
Los Angeles, CA 90067-3284

Boghosian Raisin Packing, Inc.
726 S. 8th Street
P.O. Box 338
Fowler, CA 93625
Pro se

David Blayney, dba Blayney Farms
6596 E. Dinuba Avenue
Fowler, CA 93625
Pro se

Mark W. Burrell
Westmark Group
5555 California Ave., Suite 302
Bakersfield, CA 93309