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

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

ONIONS ETC., INC., and DUDA FARM
FRESH FOODS, INC.,

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

Plaintiffs,

V.

Z & S FRESH, INC., a California corporation;
Z & S DISTRIBUTING COMPANY, INC., a California corporation; MARTIN J. ZANINOVICH, an individual; LOREN SCHOENBURG, an individual; MARGE SCHOENBURG, an individual,

ORDER AFTER HEARING RE MOTION FOR INTERVENTION [406]

Date: January 20, 2010

Time: 10:30 a.m.

Dept: 7

TERRENCE J. LONG, TRUSTEE
PURSUANT TO COURT ORDER

Proposed Intervener.

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:

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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: Feburary 11, 2010

10 /s/ Sandra M. Snyder
U.S. Magistrate Judge Sandra M. Snyder

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

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