

1 C. Russell Georgeson
State Bar No. 53589
2 Georgeson and Belardinelli
7060 North Fresno Street, Suite 250
3 Fresno, California 93720
Telephone: (559) 447-8800
4 Facsimile: (559) 447-0747
Email: crgdanelaw@sbcglobal.net

5 Kate Ellis
6 McCarron & Diess
4530 Wisconsin Avenue N.W., Suite 301
7 Washington, D.C. 20016
Telephone: (202) 364-0400
8 Facsimile: (202) 364-2738
Email: kellis@mccarronlaw.com
9 Pro Hac Vice

10 *Attorneys for Plaintiffs FreshPoint Denver,*
11 *Inc. and Ruby Robinson Company, LLC*

12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**

14 **GREENGATE FRESH, LLLP,**

15 **Plaintiff,**

16 vs.

17 **TRINITY FRESH PROCUREMENT,**
18 **LLC, et al.**

19 **Defendants.**

CASE NO: 2:18-cv-03161-JAM-EFB

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO RESPOND
TO PRODUCE PAY, INC.'S
OMNIBUS OBJECTION TO
CERTAIN PACA PROOFS OF
CLAIM**

1 **SUNTERRA PRODUCE TRADERS,**
2 **INC., et al.**

3 **Intervening Plaintiffs,**

4 **vs.**

5 **TRINITY FRESH DISTRIBUTION, LLC,**
6 **et al.,**

7 **Defendants.**

8
9 **FRESHPOINT DENVER, INC. and**
10 **RUBY ROBINSON COMPANY, LLC,**

11 **Consolidated Plaintiffs,**

12 **vs.**

13 **TRINITY FRESH DISTRIBUTION, LLC,**
14 **et al.**

15 **Consolidated Defendants.**

16 **PRODUCE PAY, INC.**

17 **Intervenor Plaintiff,**

18 **vs.**

19 **TRINITY FRESH DISTRIBUTION, LLC,**
20 **TRINITY FRESH MANAGEMENT,**
21 **LLC, and TRINITY FRESH**
22 **PROCUREMENT, LLC,**

23 **Intervenor Defendants.**
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1 Before this Court is the Stipulation to Extend Deadline to Respond to Produce Pay,
2 Inc.'s Omnibus Objection to Certain PACA Proofs of Claim agreed to by and between
3 Plaintiff GreenGate Fresh, LLLP, Intervening Plaintiffs Sunterra Produce Traders, Inc.,
4 1st Quality Produce, Inc., Peterson Farms, Inc., Coastal Pacific Sales, LLC; Froerer Farms,
5 Inc. d/b/a Owyhee Produce, Nor-Cal Produce, Inc., and Ben E. Keith Company
6 (collectively "Intervening Plaintiffs"), Consolidated Plaintiffs FreshPoint Denver, Inc. and
7 Ruby Robinson Co., LLC (the "FreshPoint Group" with GreenGate and Intervening
8 Plaintiffs are together "Plaintiffs"), and Intervenor Produce Pay, Inc. ("Produce Pay")
9 (Plaintiffs and Produce Pay are the "Parties"), by and through their respective undersigned
10 attorneys. The Parties stipulate and agree that the deadline to respond to Produce Pay,
11 Inc.'s Omnibus Objection to Certain PACA Proofs of Claim [Doc. 82] ("Objection")
12 should be extended to June 10, 2019, on the following grounds:
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15 1. In accordance with the terms of the Amended Preliminary Injunction Order
16 Establishing PACA Claims Procedure and Allowing Expedited Discovery [Doc. 47]
17 ("PACA Order"), Plaintiffs filed their PACA Proofs of Claim alleging they are
18 beneficiaries of the statutory trust arising under Section 499e(c)(2) of the Perishable
19 Agricultural Commodities Act ("PACA"), 7 U.S.C. § 499e(c)(2).
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21 2. Intervenor Produce Pay filed its Objection to Plaintiffs' claims on May 13,
22 2019, and asserts that Plaintiffs must submit certain documentation to substantiate their
23 PACA claims, including proof of delivery of every claimed shipment of produce and proof
24 of delivery of Plaintiffs' notice of intent to preserve trust benefits, including emails.
25 Without conceding the validity of Produce Pay's position, and reserving all rights,
26 Plaintiffs are researching this documentation, which is voluminous because it collectively
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MEUERS LAW FIRM, P.L.

DATED: May 24, 2019

/s/ Lawrence H. Meuers

Lawrence H. Meuers
Meuers Law Firm, P.L.
5395 Park Central Court
Naples, FL 34109
Tel: 239.513.9191
Fax: 239.513.9677

Attorneys for Plaintiff Greengate Fresh,
LLLP

DATED: May 24, 2019

/s/ Kate Ellis

Kate Ellis
McCARRON & DIESS
4530 Wisconsin Avenue N.W., Suite 301
Washington, DC 20016
Tel. 202.364.0400
Fax 202.364-2731
kellis@mccarronlaw.com
Pro Hac Vice

Attorneys for Consolidated Plaintiffs
FreshPoint Denver, Inc. et al.

DATED: May 24, 2019

/s/ C. Russell Georgeson

C. Russell Georgeson
GEORGESON AND BELARDINELLI
State Bar No. 53589
7060 North Fresno Street, Suite 250
Fresno, California 93720
Tel. 559.447.8800
Fax. 559.447.0747
crgdanelaw@sbcglobal.net

Attorneys for Plaintiff FreshPoint
Denver, Inc. et al.

1 DATED: May 24, 2019

/s/ Michael James Fletcher
Michael James Fletcher
Baker Manock & Jensen PC
5260 North Palm Ave.
Suite 421
Fresno, CA 93704
559.432.5400
559.432.5620 (fax)
mfletcher@bakermanock.com

7
8 Attorneys for Intervenor Ben E. Keith
Company

9
10 DATED: May 24, 2019

/s/ George R. Pitts
George R. Pitts
Rubin and Rudman LLP
800 Connecticut Avenue, NW
Suite 400
Washington, DC 20006
Tel. 240.356.1566
gpitts@rubinrudman.com

15 Attorneys for Intervenor Nor-Cal
16 Produce, Inc.

17
18 DATED: May 24, 2019

/s/ Jason R. Klinowski
WALLACE JORDAN RATLIFF
& BRANDT LLC
800 Shades Creek Parkway, Suite 400
Birmingham, Alabama 35209
205.847.0371
jklinowski@wallacejordan.com
Pro Hac Vice

24 Attorneys for Intervenor Produce Pay,
25 Inc.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the forgoing was served electronically to all parties in the above-captioned matter at the electronic address as disclosed with the Court, or by sending the same via U.S. Postal Service.

McCARRON & DIESS

DATED: May 23, 2019.

/s/ Kate Ellis

Kate Ellis

Counsel for Plaintiffs FreshPoint
Denver, Inc. and Ruby Robinson
Company, LLC

Notice has been electronically mailed to:

Alexander James Lewicki alewicki@diemerwei.com

C. Russell Georgeson crgdanelaw@sbcglobal.net

George R. Pitts gpitts@rubinrudman.com, cgrant@rubinrudman.com

Jason Ryan Klinowski , PHV jklinowski@wallacejordan.com,
jvoight@wallacejordan.com

June T. Monroe june@rjlaw.com, shelly@rjlaw.com

Kate Ellis , PHV kellis@mccarronlaw.com

Kathryn Diemer kdiemer@diemerwei.com, dsopko@diemerwei.com,
ecfnotice@diemerwei.com

Lawrence H. Meuers lmeuers@meuerslawfirm.com, lrogers@meuerslawfirm.com,
sdefalco@meuerslawfirm.com

Michael James Fletcher mfletcher@bakermanock.com, vkearney@bakermanock.com

Walter R. Dahl wdahl@DahlLaw.net, choffman@dahlallaw.net

Notice has been sent by U.S. Mail

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Patrick Bulmer
California Receivership Services
P.O. Box 5128
Oroville, CA 95966

Trinity Fresh Distribution, LLC
Trinity Fresh Procurement, LLC
Trinity Fresh Management, LLC
6835 Pera Drive
Rancho Murrieta, CA 95683