

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

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3 DELANO FARMS COMPANY; FOUR)
STAR FRUIT, INC.; AND GERAWAN)
FARMING, INC.,)

1:07-cv-01610-OWW-SMS

4)
5) Plaintiffs,)

6) v.)

7) THE CALIFORNIA TABLE GRAPE)
8) COMMISSION; UNITED STATES OF)
9) AMERICA; UNITED STATES)
10) DEPARTMENT OF AGRICULTURE;)
11) AND TOM VILSACK, SECRETARY)
OF THE UNITED STATES)
DEPARTMENT OF AGRICULTURE)
(IN HIS OFFICIAL CAPACITY),)

12)
13) Defendants.)
14)
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21)
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23)

**ORDER DISMISSING PLAINTIFFS’
SECOND AMENDED COMPLAINT
WITHOUT LEAVE TO AMEND AND
DENYING AS MOOT PLAINTIFFS’
MOTION FOR CERTIFICATION OF
ORDERS FOR INTERLOCUTORY
APPEAL PURSUANT TO 28 U.S.C. §
1292(b)**

24 Upon consideration of Defendants United States of America, the United States Department
25 of Agriculture, and Tom Vilsack, Secretary of the United States Department of Agriculture’s
26 (“Federal Defendants”) Motion To Dismiss Plaintiffs’ Second Amended Complaint (Doc. 99) and
27 supporting papers; Defendant The California Table Grape Commission’s (“Commission”) Motion
28 To Dismiss Plaintiffs’ Second Amended Complaint (Doc. 101) and supporting papers; Plaintiffs
Delano Farms Company, Four Star Fruit, Inc., and Gerawan Farming, Inc.’s (“Plaintiffs”) opposition
memorandum; and the arguments of the parties, IT IS HEREBY ORDERED THAT, for the reasons
set forth in the Court’s Memorandum Decision filed July 26, 2010 (Doc. 121), and the Court’s prior
decisions in this matter, the Federal Defendants’ Motion To Dismiss is GRANTED, the
Commission’s Motion To Dismiss is GRANTED, and Plaintiffs’ Second Amended Complaint is
DISMISSED WITH PREJUDICE and WITHOUT LEAVE TO AMEND.

In light of the Court’s dismissal of Plaintiffs’ Second Amended Complaint without leave to
amend, IT IS HEREBY FURTHER ORDERED THAT Plaintiffs’ Motion for Certification of Orders
for Interlocutory Appeal Pursuant to 28 U.S.C. § 1292(b) (Doc. 93) is DENIED AS MOOT.

