

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

S & H PACKING & SALES CO., INC.,  
DBA Season Produce Co., a  
California corporation,

*Plaintiff,*

and

G. W. PALMER & CO., INC.; ANDREW  
& WILLIAMSON SALES CO., INC.,  
DBA Andrew & Williamson Fresh  
Produce; EAST COAST BROKERS AND  
PACKERS, INC.; GARGIULO, INC.,

*Plaintiffs-Appellants,*

v.

TANIMURA DISTRIBUTING, INC., a  
California corporation,

*Defendant,*

and

AGRICAP FINANCIAL CORPORATION,  
a Delaware corporation,

*Defendant-Appellee.*

No. 14-56059

D.C. No.  
2:08-cv-05250-  
GW-FFM

S & H PACKING & SALES CO., INC.,  
DBA Season Produce Co., a  
California corporation,

*Plaintiff,*

and

APACHE PRODUCE CO., INC., DBA  
Plain Jane, an Arizona corporation;  
O.P. MURPHY PRODUCE CO., INC.,  
DBA Murphy & Sons, a Texas  
corporation; OCEANSIDE PRODUCE,  
INC., a California corporation;  
WILSON PRODUCE, LLC, an Arizona  
Limited liability company; FRANK  
DONIO, INC.; ABBATE FAMILY  
FARMS LIMITED PARTNERSHIP;  
J.P.M. SALES CO., INC., an Arizona  
corporation,

*Plaintiffs-Appellants,*

THOMSON INTERNATIONAL, INC.,  
assignee, Tanimura Distributing,  
Inc.,

*Creditor-Appellant,*

v.

TANIMURA DISTRIBUTING, INC.,

*Defendant,*

and

No. 14-56078

D.C. No.  
2:08-cv-05250-  
GW-FFM

ORDER

AGRICAP FINANCIAL CORPORATION,  
a Delaware corporation,  
*Defendant-Appellee.*

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Filed June 23, 2017

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THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that these cases be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel disposition in these cases shall not be cited as precedent by or to any court of the Ninth Circuit.