

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

FRESH KIST PRODUCE, L.L.C.,

Plaintiff,

v.

**CHOI CORPORATION, INC. d/b/a
WASHINGTON WHOLESALE
PRODUCE COMPANY *et al.*,**

Defendants.

Civil Action No. 01-1834 (JMF)

ORDER

Pursuant to the accompanying Memorandum Opinion, it is, hereby,

ORDERED that plaintiff's Motion to Disburse PACA Trust Assets in One of Three (3) Alternate Ways and for Reimbursement of Plaintiff's Fees and Costs from the Common Fund [#94] is **GRANTED** in part and **DENIED** in part. It is further, hereby,

ORDERED that, within ten days of the date of this Order, Fresh Kist file a praecipe indicating the date or dates upon which final payments were received. At that point, the court will calculate the appropriate pre-judgment interest. Once the amount of pre-judgment interest has been calculated, that amount will be added to the \$70,946.40 already in the trust. Then, 20% of that total will be awarded directly to Fresh Kist's attorneys. The remaining 80% will then be distributed on a pro-rata basis to the thirteen companies that filed valid proofs of claim.

SO ORDERED.

Date:

JOHN M. FACCIOLA
UNITED STATES MAGISTRATE JUDGE