

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Chief Judge Wiley Y. Daniel

Civil Action No. 08-cv-00091-WYD-CBS

WAYNE WATSON and
MARY WATSON,

Plaintiffs,

v.

DILLON COMPANIES, INC., d/b/a/
KING SOOPERS, also d/b/a
INTER-AMERICAN PRODUCTS, INC., et al.,

Defendants.

**ORDER OF DISMISSAL WITH PREJUDICE
OF DEFENDANT, BIRDS EYE FOODS, INC.**

THIS MATTER comes before the Court on both Plaintiffs' Unopposed Motion to Dismiss With Prejudice All Claims Against Defendant, Birds Eye Foods, Inc. and the attached Stipulation for Dismissal With Prejudice of Plaintiffs, Wayne Watson and Mary Watson's Claim Against Defendant, Birds Eye Foods, Inc. (ECF No. 778), filed September 3, 2012. After carefully reviewing the file in this matter, I find that the motion should be granted and the stipulation should be adopted. Accordingly, it is

ORDERED that Plaintiffs' Unopposed Motion to Dismiss With Prejudice All Claims Against Defendant Birds Eye Foods, Inc. is **GRANTED** and the Stipulation for Dismissal With Prejudice of Plaintiffs, Wayne Watson and Mary Watson's Claim Against Defendant, Birds Eye Foods, Inc. is **ADOPTED**. However, this Order does not affect any claims that Plaintiffs may have against any other party other than Birds Eye Foods, Inc. Thus, it is

FURTHER ORDERED that the claims asserted by Plaintiffs against Defendant,

Birds Eye, Inc. are **DISMISSED WITH PREJUDICE**, each party to pay its own attorney fees and costs.

Dated: September 6, 2012

BY THE COURT:

s/ Wiley Y. Daniel
Wiley Y. Daniel
Chief United States District Judge