

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO**

Civil Action No. 11-cv-02195-PAB-MEH

MARSHA ATENCIO,

Plaintiff,

v.

KING SOOPERS,  
ANN PIERCE,  
SCOTT BRINSON,  
NASH FORACI, and  
CHARLES BIGLEN,

Defendants.

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**FINAL JUDGMENT**

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In accordance with the orders filed during the pendency of this case, and pursuant to Fed. R. Civ. P. 58(a), the following Final Judgment is hereby entered.

Pursuant to the Order of Judge Philip A. Brimmer entered on December 5, 2012 it is

ORDERED that the Motion for Summary Judgment and Incorporated Brief [Docket No. 17] is GRANTED in part and DENIED in part. It is

FURTHER ORDERED that plaintiff's first and fourth claims for relief are dismissed without prejudice as preempted by § 301 of the Labor Management Relations Act, 29 U.S.C. § 185 et seq. It is

FURTHER ORDERED that the case is remanded to the District Court for the City and County of Denver, where it was originally filed as Civil Action 2011 CV 4619. It is

FURTHER ORDERED that Defendant King Soopers, Ann Pierce, Scott Brinson, Nash Foraci, and Charles Biglen are **AWARDED** their costs, to be taxed by the Clerk of the Court pursuant to Fed. R. Civ. P. 54(d)(1) and D.C.COLO.LCivR 54.1.

Dated at Denver, Colorado this 7th day of December, 2012.

FOR THE COURT:  
JEFFREY P. COLWELL, CLERK

By: s/Edward P. Butler

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Edward P. Butler  
Deputy Clerk