

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Kathleen M. Tafoya

Civil Action No. 14-cv-01808-CMA-KMT

INSTAMART FULFULLMENT LLC, a Colorado limited liability company, and
INSTAMART IP, LLC, a Wyoming limited liability company,

Plaintiffs/Counterclaim Defendants.

v.

MAPLEBEAR, INC., D/B/A INSTACART, a Delaware corporation,
WHOLE FOODS MARKET ROCKY MOUNTAIN/SOUTHWEST, L.P., a Texas limited
partnership;
WFM-WO, INC., a Delaware corporation,
WHOLE FOODS MARKET, INC., a Texas corporation,

Defendants/Counterclaim Plaintiffs.

MINUTE ORDER

ORDER ENTERED BY MAGISTRATE JUDGE KATHLEEN M. TAFOYA

This matter comes before the court on the Stipulation to (1) Dismiss Defendant Whole Foods Market, Inc., (2) File Third Amended Complaint and (3) Apply Pending Rule 12(b)(6) Motion to Dismiss to Third Amended Complaint. (Doc. No. 83, filed May 28, 2015.) The Clerk of Court is directed to file Plaintiffs' Third Amended Complaint. (Doc. No. 83-1.) The "Motion to Dismiss by Defendant Whole Foods Market, Inc. Under Fed. R. Civ. P. 12(b)(2) and 12(b)(6)" (Doc. No. 65) is DENIED as moot. Defendant Maplebear, Inc.'s "Motion to Dismiss" (Doc. No. 22) and the "Motion to Dismiss by Defendants Whole Foods Market Rocky Mountain/Southwest, L.P. and WFM-WO, Inc." (Doc. No. 66) are deemed to apply to the Third Amended Complaint.

Dated: May 29, 2015