

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

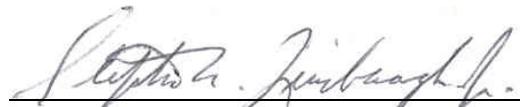
**KATHERINE HERKENHOFF,** )  
 )  
 **Plaintiff,** )  
 )  
 **v.** )  
 )  
 **SUPERVALU STORES, INC. d/b/a** )  
 **SHOP 'N SAVE and SUPERVALU** )  
 **PHARMACIES, INC. d/b/a SHOP 'N** )  
 **SAVE PHARMACIES** )  
 )  
 **Defendants.** )

**Case No. 4:13CV1974 SNLJ**

**MEMORANDUM**

This matter is before the Court on the defendants' Motions to Dismiss (#3, #4). Plaintiff has not responded, and the time for doing so has passed. Defendants assert that the plaintiff's action against the defendant store and the store's pharmacy for providing an improper prescription must be dismissed pursuant to § 538.225 RSMo. That statute requires that the plaintiff in such a case furnish an affidavit by a healthcare provider certifying the merit of her case. Plaintiff has failed to do so. Again, plaintiff has not opposed the motion nor has she responded in any way. The motions will be granted.

Dated this 16th day of December, 2013.

  
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STEPHEN N. LIMBAUGH, JR.  
UNITED STATES DISTRICT JUDGE