

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

MONTANA MERCHANDISING, INC.,
d/b/a MONTANA MILLING, INC.,
HINEBAUCH GRAIN, INC.,
OCC-O'CONNOR CROPS AND CATTLE,
LLC, CLIFFORD MERRIMAN AND
ANNA MERRIMAN, d/b/a 4-M FARMS,
and GOLDEN ORGANIC WHEAT FARMS,
INC.,

Plaintiffs,

v.

DAVE'S KILLER BREAD, INC., GLENN
DAHL, Individually and as Trustee of
Glenn Dahl Family Trust, DAVID J. DAHL,
Individually and as Trustee of the David
Dahl Family Trust, SHOBI L. DAHL,
Individually and as Trustee of the Shobi L.
Dahl Family Trust, FLOWERS FOODS,
INC., FLOWERS BAKERIES, LLC,
GOODE PARTNERS, LLC, AVB, INC.
GOODE SEED HOLDINGS, LLC, GOODE
SEED CO-INVEST, LLC, AND JOHN DOE
I, II, III AND IV, which Include any other
entities or persons affiliated with Goode
Partners, LLC, who were involved in the
partnership with any of the other Defendants,
or involved with the sale of Dave's Killer
Bread, Inc.

Defendants.

CV-17-26-GF-BMM

ORDER

The Court hereby dismisses with prejudice the claims of Montana Merchandising, Inc., d/b/a Montana Milling, Inc. ("MMI"); Hinebauch Grain, Inc.; OCC-O'Connor Crops and Cattle, LLC; Clifford Merriman and Anna Merriman,

d/b/a 4-M Farms; and Golden Organic Wheat Farms, Inc., (including but not limited to any claim for attorney's fees and costs) against Defendants Dave's Killer Bread, Inc.; Flowers Foods, Inc.; Flowers Bakeries, LLC; and AVB, Inc. (collectively, "DKB Defendants"); and Defendants Glenn Dahl, individually and as Trustee of Glenn Dahl Family Trust; David J. Dahl, individually and as Trustee of the David Dahl Family Trust; Shobi L. Dahl, individually and as Trustee of the Shobi Dahl Family Trust; Goode Partners, LLC; Goode Seed Holdings, LLC; and Goode Seed Co-Invest, LLC. (collectively with DKB Defendants, "Defendants") and DKB Defendants' counterclaims (including but not limited to any claim for attorney's fees and costs) against MMI, in the above-captioned action pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure.

DATED this 12th day of December, 2017.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge