

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

**ISLA DRINKWALTER, individually and  
as Personal Representative for the  
Estate of George Drinkwalter;**

**Plaintiff,**

**vs.**

**FRONTERA PRODUCE LTD, a foreign  
corporation; PRIMUS GROUP, INC., a  
foreign corporation; and WALMART  
STORES, INC., a foreign corporation;  
and JOHN DOES 1-10,**

**Defendants;**

**7:13CV5006**

**ORDER OF DISMISSAL**

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**FRONTERA PRODUCE LTD.,**

**Cross  
Claimant/Third-Party  
Plaintiff,**

**vs.**

**PRIMUS GROUP, INC., JENSEN FARMS,  
a partnership, BIO FOOD SAFETY, INC.,  
and PEPPER EQUIPMENT CORP.,**

**Cross  
Defendants/Third-  
Party Defendants;**

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**PEPPER EQUIPMENT CORP.,**

**Counter  
Claimant/Cross  
Claimant,**

**vs.**

**FRONTERA PRODUCE LTD, a foreign  
corporation, WALMART STORES, INC.,  
a foreign corporation, JENSEN FARMS,  
BIO FOOD SAFETY, INC., and PRIMUS  
GROUP, INC.,**

**Counter Defendant/  
Cross Defendants;**

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**WAL-MART STORES, INC. a foreign  
corporation,**

**Cross  
Claimant/Third-Party  
Plaintiff,**

**vs.**

**FRONTERA PRODUCE LTD, a foreign  
corporation; PRIMUS GROUP, INC., a  
foreign corporation; JENSEN FARMS, a  
partnership, and BIO FOOD SAFETY,  
INC.,**

**Cross  
Defendants/Third-  
Party Defendants;**

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**PRIMUS GROUP INC.,**

**Cross Claimant,**

**vs.**

**FRONTERA PRODUCE LTD, and  
JENSEN FARMS,**

**Cross Defendants.**

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This matter is before the Court on the Notice of Dismissal of Third-Party Claims without Prejudice (Filing No. 135) filed by Wal-mart Stores Inc.'s ("Walmart"), and the Stipulation for Dismissal (Filing No. 134) filed by Isla Drinkwalter, individually and as Personal Representative of the Estate of George Drinkwalter ("Drinkwalter"); Walmart,

Frontera Produce LTD (“Frontera”); and Primus Group, Inc. d/b/a “Primus Labs” (“Primus”).

### **Notice of Dismissal**

The Notice complies with Federal Rule of Civil Procedure 41(a)(1)(A)(i), and the Court finds that it should be approved. All third-party claims against Third-Party Defendant Jensen Farms (“Jensen”) and Third-Party Defendant Bio Food Safety, Inc. (“Bio Food”) filed by Walmart in the above-captioned action will be dismissed without prejudice. The Court will not assess costs and attorney’s fees with regard to the claims dismissed pursuant to the Notice.

### **Stipulated Dismissal**

The Stipulation complies with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), and the Court finds that it should be approved. All claims and counterclaims between Drinkwalter and Walmart in the above-captioned action will be dismissed with prejudice. All cross-claims filed by Walmart against Frontera will be dismissed without prejudice. All claims between Walmart and Primus in the above-captioned action will be dismissed without prejudice. The parties will bear their own costs and attorney’s fees with regard to the claims dismissed pursuant to the Stipulation. Accordingly,

IT IS ORDERED:

1. The Notice of Dismissal of Third-Party Claims without Prejudice (Filing No. 135) filed by Walmart is approved;
2. All third-party claims filed by Walmart against Jensen and Bio Food in the above-captioned action are dismissed without prejudice;

3. The Court will not assess costs and attorney's fees with regard to the claims filed by Walmart against Jensen and Bio Food;
4. The Stipulation for Dismissal (Filing No. 134) filed by Drinkwalter, Walmart, Frontera, and Primus is approved;
5. All claims and counterclaims between Drinkwalter and Walmart in the above-captioned action are dismissed with prejudice;
6. All claims filed by Walmart against Frontera are dismissed without prejudice;
7. All claims between Walmart and Primus in the above-captioned action are dismissed without prejudice;
8. Primus' Motion to Dismiss Walmart's Cross Claim (Filing No. 98) is denied as moot; and
9. The parties will bear their own costs and attorney's fees with regard to all claims dismissed pursuant to the Stipulation.

Dated this 15th day of September, 2014.

BY THE COURT:

s/Laurie Smith Camp  
Chief United States District Judge