

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

ARGUS LEADER MEDIA,
d/b/a Argus Leader,

Plaintiff,

vs.

UNITED STATES DEPARTMENT OF
AGRICULTURE,

Defendant,

FOOD MARKETING INSTITUTE,

Intervenor Defendant.

4:11-CV-04121-KES

ORDER PURSUANT TO REMAND
AND JUDGMENT

Pursuant to the remand by the Eighth Circuit (Docket 212), dated August 5, 2019, it is

ORDERED that the court's Memorandum and Opinion (Docket 127) is vacated consistent with the decision in *Food Marketing Institute v. Argus Leader Media*, 139 S. Ct. 2356 (2019).

IT IS FURTHER ORDERED that the judgment entered in favor of plaintiff, Argus Leader Media (Docket 128) is vacated.

IT IS FURTHER ORDERED that the order awarding costs (Docket 192) is vacated.

IT IS FURTHER ORDERED that the order granting motion for attorney fees (Docket 193) is vacated.

IT IS FURTHER ORDERED that the order granting a second motion for attorney fees and costs (Docket 196) is vacated.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that judgment is entered in favor of defendant, the United States Department of Agriculture, and against plaintiff, Argus Leader Media.

Dated April 1, 2020.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER

UNITED STATES DISTRICT JUDGE