

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF NEW MEXICO

ROBIN G. THORNTON, on behalf of herself
and others similarly situated, and WENDY
IRBY, on behalf of herself and others similarly
situated,

Plaintiffs,

vs.

No. CIV 20-1040 JB/LF

THE KROGER COMPANY; ALBERTSONS;
LOWE'S SUPERMARKETS, INC. and PAY
AND SAVE, INC.,

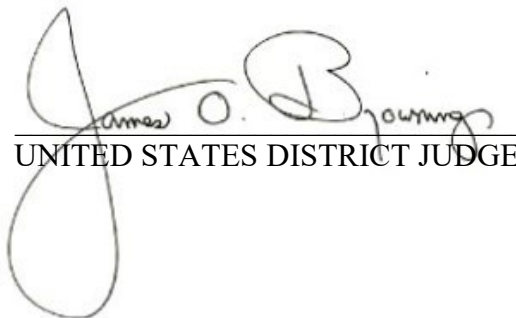
Defendants.

FINAL JUDGMENT

THIS MATTER comes before the Court on: (i) the Plaintiffs' *Third Amended* Class Action Complaint, filed January 19, 2022 (Doc. 97)("Third Amended Complaint"); (ii) the Memorandum Opinion and Amended Order, filed February 17, 2022 (Doc. 115)("MTD MOO"); and (iii) the Joint Stipulation of Dismissal with Prejudice, filed February 23, 2024 (Doc. 290)("Stipulation of Dismissal"). In the Third Amended Complaint, the Plaintiffs terminated Defendant Lowe's Supermarkets, Inc., as a party in this matter. See Third Amended Complaint at 1. In the MTD MOO, the Court dismissed all of Plaintiff Robin G. Thornton's claims against Defendant Albertsons, as well as Thornton's New Mexico Unfair Practices Act, breach-of-express-warranty, and unjust enrichment claims against Kroger Company regarding their use of the official USDA grade shields; but the Court did not dismiss Thornton's claims based on the "U.S.D.A. CHOICE/Produced in the USA" graphic. MTD MOO at 268. In the Stipulation of Dismissal, pursuant to "Rule 41(a)(1)(A) of the Federal Rules of Civil Procedure," the parties -- Robin G. Thornton, Wendy Irby, the Kroger Company, and Pay and Save, Inc. -- "jointly stipulate and agree

that all claims and causes of action asserted in this lawsuit by Plaintiffs and Defendants shall be, and are, dismissed with prejudice.” Stipulation of Dismissal at 1. With no more parties, claims, or issues before the Court, the Court enters Final Judgment, pursuant to rule 58(a) of the Federal Rules of Civil Procedure, disposing of this case.

IT IS ORDERED that: (i) the Plaintiffs’ *Third Amended* Class Action Complaint, filed January 19, 2022 (Doc. 97), is dismissed; (ii) all claims and causes of action asserted in this lawsuit by the Plaintiffs against the Defendants are dismissed with prejudice; (iii) the case is dismissed with prejudice; and (iv) Final Judgment is entered.


UNITED STATES DISTRICT JUDGE

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