

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 22-cv-02946-PAB-STV

RON BROWN, and
MINKA GARMON, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

JBS USA FOOD COMPANY,
TYSON FOODS, INC.,
CARGILL, INC.,
CARGILL MEAT SOLUTIONS CORP.,
HORMEL FOODS CORP.,
ROCHELLE FOODS, LLC,
AMERICAN FOODS GROUP, LLC,
TRIUMPH FOODS, LLC,
SEABOARD FOODS, LLC,
NATIONAL BEEF PACKING CO., LLC,
SMITHFIELD FOODS INC.,
SMITHFIELD PACKAGED MEATS CORP.,
AGRI BEEF CO.,
WASHINGTON BEEF, LLC,
PERDUE FARMS, INC.,
GREATER OMAHA PACKING CO., INC.,
NEBRASKA BEEF, LTD.,
INDIANA PACKERS CORPORATION,
QUALITY PORK PROCESSORS, INC.,
AGRI STATS, INC., and
WEBBER, MENG, SAHL AND COMPANY, INC., d/b/a/ WMS & Company, Inc.,

Defendants.

MINUTE ORDER

Entered by Chief Judge Philip A. Brimmer

This matter is before the Court on Plaintiffs' Rule 41(a)(1)(A)(i) Notice of Voluntary Dismissal Without Prejudice as to Defendant Nebraska Beef, Ltd. [Docket No. 375]. "Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs submit this notice dismissing without prejudice all claims they have asserted against Defendant Nebraska

Beef, Ltd.” *Id.* Plaintiffs state that the dismissal is proper because defendant Nebraska Beef, Ltd. “has not served an answer or a motion for summary judgment.” *Id.*

Rule 41(a)(1)(A) allows a plaintiff to dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). “Unless the notice or stipulation states otherwise, the dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B). “Although Rule 41(a)(1)(A) refers to dismissal of the ‘action,’ the rule permits the dismissal of fewer than all parties so long as all claims against a particular party are dismissed.” *Kristina Consulting Grp., LLC v. Debt Pay Gateway, Inc.*, 2022 WL 881575, at *2 n.4 (10th Cir. Mar. 25, 2022) (unpublished).

Here, defendant Nebraska Beef, Ltd. has not filed an answer or a motion for summary judgment. Wherefore, it is

ORDERED that Plaintiffs’ Rule 41(a)(1)(A)(i) Notice of Voluntary Dismissal Without Prejudice as to Defendant Nebraska Beef, Ltd. [Docket No. 375] is deemed effective as a means of dismissing defendant Nebraska Beef, Ltd. from this case. It is further

ORDERED that Defendant Nebraska Beef’s Motion to Dismiss [Docket No. 343] is **DENIED as moot**.

DATED March 26, 2025.