

Patrick Q. Husted, Esq.
Christopher D. Yvars, Esq. (*Pro Hac Vice*)
The Husted Law Firm, A Professional Corporation
4643 S. Ulster Street, Suite 1250
Denver, CO 80237
ph. (303)-721-5000
PQH@thlf.com
CDY@thlf.com
Husted Montana Bar No. 4420

Jeffrey S. Whittington (*Pro Hac Vice*)
Kaufman Borgeest & Ryan, LLP
23975 Park Sorrento, Suite 370
Calabasas, CA 91302
Ph. (818) 961-8006
jwhittington@kbrlaw.com
*Attorneys for Defendant Primus Group, Inc.,
d/b/a Primus Labs*

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BUTTE DIVISION**

BETTE ONSAGER, as Personal Representative)
of the Estate of Jerome Onsager, and)
personally,)

Plaintiff,)

vs.)

FRONTERA PRODUCE, LTD., a foreign)
corporation; PRIMUS GROUP, INC., a)
foreign corporation, d/b/a Primus Labs;)
WALMART STORES, INC., a foreign)
Corporation; JOHN DOES 1-10 and)
Companies XYZ,)

Defendants.

2:13-cv-00066-DWM-JCL

**PRIMUS GROUP, INC.'S
NOTICE OF VOLUNTARY
DISMISSAL OF ITS
CROSS-CLAIMS AGAINST
WALMART STORES, INC.
WITHOUT PREJUDICE**

Defendant, Primus Group, Inc., d/b/a Primus Labs (“Primus”), by and through its undersigned counsel, The Husted Law Firm, a Professional Corporation, hereby submits its Notice of Voluntary Dismissal of its Cross-Claims Against Defendant/Cross-Claim Defendant Wal-mart Stores, Inc. Without Prejudice pursuant to F.R.C.P. 41(a)(1).

1. On July 24, 2014, Primus filed cross-cross claims against Defendant Frontera Produce, Ltd. and Defendant Wal-Mart Stores, Inc. (“Wal-mart”). *See Defendant Primus Group, Inc.’s Answer to First Amended Complaint and Cross-Claims Against Frontera Ltd., and Wal-mart Stores, Inc.* [Doc. # 77].

2. Pursuant to F.R.C.P. 41(a)(1)(A), Primus may voluntarily dismiss its claims against Wal-mart without a Court Order by filing a notice of dismissal before the opposing party, Wal-mart, serves either an answer or a motion for summary judgment.

3. Wal-mart has not yet filed its answer or a motion for summary judgment.

4. This filing constitutes Primus’ notice of its voluntary dismissal of Wal-mart. This dismissal is without prejudice.

5. This voluntary dismissal is to Primus’ cross-claims against Wal-mart only. Nothing in this notice/filing is intended to dismiss Primus’ cross-claims

against Frontera.

DATED this 12th day of August, 2014.

Original Signature is on File at

THE HUSTEAD LAW FIRM,
A Professional Corporation

/s/ Christopher D. Yvars

Patrick Q. Hustead, Esq.
Christopher D. Yvars, Esq. (*Pro Hac Vice*)
THE HUSTEAD LAW FIRM,
A Professional Corporation
4643 South Ulster Street, Suite 1250
Denver, Colorado 80237
Telephone: (303) 721-5000
Email: PQH@thlf.com , CDY@thlf.com
Hustead Montana Bar No. 4420
Attorneys for Defendant Primus Group, Inc.
d/b/a Primus Labs

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of August, 2014, a true and correct copy of the foregoing **Primus Group, Inc.’s Notice of Voluntary Dismissal of its Cross-Claims Against Defendant/Cross-Claim Defendant Wal-mart Stores, Inc. Without Prejudice** was electronically filed and served via CM/ECF, and/or e-mail, and/or United States mail, first-class, postage prepaid, and addressed to the following:

<p>Scott L. Anderson, Esq. Anderson Law Associates, PLLC 745 South Main Kalispell, MT 59901 <i>Counsel for Plaintiff</i></p>	<p>William D. Marler, Esq. Marler Clark, LLP PS 1301 Second Avenue, #2800 Seattle, Washington 98101 <i>Counsel for Plaintiff</i></p>
<p>Mark S. Williams, Esq. Susan Moriarity Miltko, Esq. Peter B. Ivins, Esq. Williams Law Firm, P.C. 233 E. Pine, P.O. Box 9440 Missoula, MT 59807-9440 <i>Counsel for Defendant Walmart Stores, Inc.</i></p>	<p>John E. Bohyer, Esq. Erin Erickson, Esq. Boyher, Erickson, Beaudette & Tranel, P.C. 283 West Front Street, Suite 201 P.O. Box 7729 Missoula, MT 59807 <i>Counsel for Defendant Frontera Produce, Ltd.</i></p>
<p>Craig W. Phillips, Esq. Todd D. Erb, Esq. Lewis Roca Rothberger, LLP 40 North Central Ave., Suite 1900 Phoenix, AZ 85004-4429 <i>Pro Hac Vice Counsel for Defendant Walmart Stores, Inc.</i></p>	

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THE HUSTEAD LAW FIRM,
A Professional Corporation

/s/ Christopher D. Yvars
Christopher D. Yvars