

ENTERED

March 10, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISIONLABORATORIOS PISA S.A. de C.V.; and §
CAB ENTERPRISES, INC., §

Plaintiffs, §

VS. §

CIVIL ACTION NO. 7:21-cv-00062

PEPSICO, INC.; and STOKELY-VAN §
CAMP INC., §

Defendants. §

ORDER

The Court now considers the parties' "Joint Stipulation to Withdraw Plaintiffs' Motion for a Temporary Restraining Order, Order to Dissolve the February 27, 2021 Temporary Restraining Order, and Proposed Order of Dismissal with Prejudice."¹ The parties have "reached a confidential settlement agreement" and stipulate that this case be dismissed with prejudice.² Under Federal Rule of Civil Procedure 41(a)(1)(A)(i), Plaintiffs may dismiss an action without a Court order by filing a notice of dismissal before Defendants file an answer or motion for summary judgment. Because the parties stipulated to dismissal before Defendants filed either an answer or motion for summary judgment, Plaintiffs have effectively dismissed the case and no further action by this Court is necessary.³

The Court's February 27, 2021 Temporary Restraining Order expires upon further order of the Court.⁴ In light of the parties' stipulation of dismissal and request that the Court dissolve

¹ Dkt. No. 40.

² *Id.* at 2.

³ See *Bechuck v. Home Depot U.S.A., Inc.*, 814 F.3d 287, 291 (5th Cir. 2016) (quoting *In re Amerijet Int'l, Inc.*, 785 F.3d 967, 973 (5th Cir. 2015) (per curiam)).

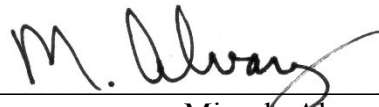
⁴ Dkt. No. 35 at 20.

its Temporary Restraining Order,⁵ the Court hereby **DISSOLVES** its Temporary Restraining Order⁶ and the effect of all temporary injunctions.

All of Plaintiffs' claims are **DISMISSED WITH PREJUDICE**. All deadlines and conferences in this case are **CANCELLED** and any pending motion, request, or other matter is **DENIED AS MOOT**. The Clerk of the Court is instructed to close this case.

IT IS SO ORDERED.

DONE at McAllen, Texas, this 10th day of March 2021.

A handwritten signature in black ink, appearing to read "M. Alvarez", is written over a horizontal line.

Micaela Alvarez
United States District Judge

⁵ Dkt. No. 40 at 2, ¶ 2.

⁶ Dkt. No. 35.