

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

MARY CROSBY,

Plaintiffs,

Case No.: 12-10846-NO

v

Hon. Donald A. Johnston

CARLOS O'KELLY'S INC., a Kansas corporation, CARLOS O'KELLY'S OF CASCADE, INC., a Michigan corporation, O'STEEN MEAT SPECIALTIES, INC., an Oklahoma corporation, PILGRIM'S PRIDE CORPORATION, a Delaware corporation, and PECO FOODS, INC., an Alabama corporation, HAWKEYE FOODSERVICE DISTRIBUTION, INC., an Iowa corporation,

Defendant.

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LIPTON LAW  
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**ORDER**

At a session of said Court, held in the  
City of Grand Rapids, County of Kent,  
State of Michigan on: February 20, 2014

PRESENT: HON. DONALD A. JOHNSTON  
~~DONALD A. JOHNSTON~~  
CIRCUIT COURT JUDGE

This matter having come before the Court upon Defendants, PILGRIM'S PRIDE, CARLOS O'KELLY'S OF CASCADE, INC., and CARLOS O'KELLY, INC.'S, Motions for Summary Disposition, after oral argument having been heard, and the Court being otherwise fully advised in the premises thereon;

**IT IS HEREBY ORDERED AND ADJUDGED** that the Motion for Summary Disposition in favor of Defendants, PILGRIM'S PRIDE, CARLOS O'KELLY'S OF CASCADE, INC., and CARLOS O'KELLY, INC., are hereby granted for the reasons stated on the record.

**IT IS HEREBY FURTHER ORDERED AND ADJUDGED** that Defendant, PILGRIM'S PRIDE, is dismissed without prejudice and without costs to any party, for the reasons stated on the record, including, but not limited to (a) that Plaintiff did not present sufficient proof that the object she claimed caused her injuries was, in fact, a chicken bone; and (b) that Plaintiff did not present proof that Defendant Pilgrim's Pride delivered the chicken used by Defendant Carlos O'Kelly's and served to Plaintiff, the subject of Plaintiff's lawsuit.

**IT IS HEREBY FURTHER ORDERED AND ADJUDGED** that Defendants CARLOS O'KELLY'S OF CASCADE, INC. and CARLOS O'KELLY, INC. are dismissed without prejudice and without costs to any party for the reasons stated on the record.

**IT IS HEREBY FURTHER ORDERED** that this is a Final Order and closes this case as to Defendants, PILGRIM'S PRIDE, CARLOS O'KELLY'S OF CASCADE, INC., and CARLOS O'KELLY, INC., only.

DONALD A. JOHNSTON  

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CIRCUIT COURT JUDGE

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