

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

D & J OPTICAL, INC.,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 1:14cv658-MHT
)	(WO)
DR. TAMMY WALLACE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION and ORDER

On March 31, 2015, this court dismissed the Digital Millenium and Copyright Act claim lodged against Defendant Enterprise Optical by Plaintiff D&J Optical. On April 6, 2015, Dr. Tammy Wallace (“Dr. Wallace”), a former independent contractor hired by Plaintiff, and Debbie Hughes (“Hughes”), a former employee, filed a Motion to Dismiss the Digital Millennium Copyright Act Claim, asserting that the claims against them are based upon the same factual allegations previously found to be insufficient by the court. Doc. 48. Plaintiff does not oppose the Motion. Doc. 51. Pursuant to 28 U.S.C. § 636(c)(1) and M.D. Ala. LR 73.1, the parties have consented to a United States Magistrate Judge conducting all proceedings in this case and ordering the entry of final judgment.

Upon consideration of the Motion and Plaintiff’s Response, it is

ORDERED the Motion to Dismiss be and is hereby GRANTED pursuant to
Fed.R.Civ.P. 12(b)(6).

Done this 4th day of May, 2015.

/s/Terry F. Moorer
TERRY F. MOORER
UNITED STATES MAGISTRATE JUDGE