

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

ROBERSON EXCAVATION, INC.,)
)
Plaintiff,)
)
v.)
)
DALE COUNTY WATER)
AUTHORITY and CDG)
ENGINEERS AND ASSOCIATES,)
INC.,)
)
Defendants.)

CIVIL ACTION NO.
1:15cv939-MHT
(WO)

JUDGMENT

In accordance with the memorandum opinion entered this date, it is the ORDER, JUDGMENT, and DECREE of the court as follows:

(1) The United States Magistrate Judge's recommendation (doc. no. 28) is adopted.

(2) The defendants' motions to dismiss (doc. nos. 5 & 7) are granted as to (1) count I (breach of contract, on and before June 12, 2015 (except retainage), against defendant Dale County Water Authority); (2) count II (tortious interference with a contractual relationship,

on and before June 12, 2015, against defendant CDG Engineers and Associates, Inc.); (3) count III (wrongful termination of a contract against both defendant Dale County Water Authority and defendant CDG Engineers and Associates, Inc.); and (4) count IV (wrongful misappropriation of retainage funds against both defendant Dale County Water Authority and defendant CDG Engineers and Associates, Inc.). These claims are dismissed without prejudice.

(3) The defendants' motions to dismiss (doc. nos. 5 & 7) are denied as to (1) count I (breach of contract, actions and actions regarding the retainage funds post-June 12, 2015, against defendant Dale County Water Authority); and (2) count II (tortious interference with a contractual relationship for actions post-June 12, 2015, against defendant CDG Engineers and Associates, Inc.).

This case is not closed, and is referred back to

the Magistrate Judge for further proceedings.

DONE, this the 3rd day of October, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE