

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

ROBERSON EXCAVATION, INC., )  
)  
Plaintiff, )  
)  
v. )  
)  
DALE COUNTY WATER )  
AUTHORITY, )  
*et al.*, )  
)  
Defendants. )

CASE NO. 1:15-cv-939-WKW  
[WO]

**ORDER**

CDG Engineers and Associates, Inc.’s Motion to Dismiss Dale County Water Authority’s “Counterclaim” (Doc. # 71) has been rendered moot by the filing of the First Amended Answer and Counterclaim of DCWA (Doc. # 84). Accordingly, it is ORDERED that the motion to dismiss (Doc. # 71) is DENIED as moot without prejudice to reassert in an appropriate motion applicable arguments as they pertain to the amended counterclaim.

DONE this 27th day of June, 2018.

/s/ W. Keith Watkins  
CHIEF UNITED STATES DISTRICT JUDGE