

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

JONES WELDING COMPANY, INC.,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 12-0741-CG-B
)	
PACECO CORPORATION, <u>et al.</u>,)	
)	
Defendants.)	

ORDER

After due and proper consideration of all portions of this file deemed relevant to the issues raised, and there having been no objections filed, the Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) is adopted as the opinion of this Court.

It hereby is **ORDERED** that Defendant Paceco Corporation's motion to dismiss Plaintiff's contract claim (Count I) is **DENIED**, and its motion to dismiss Plaintiff's fraud claim (Count VI) (Doc. 8) is **GRANTED**; Defendant Graham Brothers Machine, Inc.'s and Defendant Wellcheck, Inc.'s motions to dismiss Plaintiff's claims for breach of contract (Count I), work and labor done and materials provided (Count II), slander and liable (Counts III and IV), tortious interference with a business relationship (Count V), and fraud (Count VI) (Docs. 13, 20) are **GRANTED**; and the motions to dismiss American Electric Power Corporations' cross-claims for breach of contract (Count I), breach of express warranty (Count II), and breach of implied warranty (Count II) filed by Defendants

Wellcheck, Inc. and Graham Brothers Machine, Inc. (Docs. 29, 34) are **DENIED**.

Accordingly, Plaintiff's claim for fraud (Count VI) against Paceco, Inc. is **DISMISSED with prejudice**; and all Plaintiff's claims against Defendants Wellcheck, Inc. and Graham Brothers Machine, Inc. are **DISMISSED with prejudice**.

The remaining parties are directed to file a Rule 26(f) Report of Parties' Planning Meeting **no later than August 8, 2013**.

DONE and ORDERED this 29th day of July, 2013.

/s/ Callie V. S. Granade
UNITED STATES DISTRICT JUDGE