

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

VASCULAR VENTURES, LLC	:	
Plaintiff,	:	
	:	
v.	:	CIVIL ACTION 16-00481-KD-B
	:	
AMERICAN VASCULAR ACCESS, LLC, et al.,	:	
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 Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(1)(B) and dated December 7, 2016, is **ADOPTED** as the opinion of this Court.

As such, it is **ORDERED** that: Plaintiff’s Motion to Remand (Doc. 7) is **DENIED**; Defendant’s Motion to Transfer is **DENIED** (Doc. 2); the AVA Affiliates and Nominal Defendants’ Motion to Dismiss (Doc. 3) is **GRANTED**; and Defendants’ Motion to Dismiss (Doc. 4) is **GRANTED IN PART and DENIED IN PART** as follows:

(Count One) Breach of Contract – Defendants’ Motion to Dismiss Plaintiff’s breach of contract claim based on the Purchase Agreement is **GRANTED** and Defendants’ Motion to Dismiss Plaintiff’s breach of contract claim based on the Side Letter Agreement is **DENIED**;

(Count Two) Defendants’ Motion to Dismiss Plaintiff’s negligent/reckless misrepresentation claim is **GRANTED**;

(Count Three) Defendants’ Motion to Dismiss Plaintiff’s promissory fraud claim is **DENIED**;

(Count Four) Defendants’ Motion to Dismiss Plaintiff’s fraudulent suppression claim is **GRANTED**;

(Count Five) Defendants' Motion to Dismiss Plaintiff's fraud in the inducement claim is **GRANTED**;

(Count Six) Defendants' Motion to Dismiss Plaintiff's civil conspiracy claim is **DENIED**;

(Counts Seven and Eight) Defendants' Motion to Dismiss Plaintiff's claims for intentional interference with business and contractual relations is **GRANTED**.

DONE and **ORDERED** this the **28th** day of **December 2016**.

/s/ Kristi K. DuBose

KRISTI K. DuBOSE

UNITED STATES DISTRICT JUDGE