

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

CALVIN B. WALKER

PLAINTIFF

v.

No. 4:13-cv-689-DPM


TERMINIX INTERNATIONAL COMPANY LP;
TERMINIX INTERNATIONAL INC.;
and JOHN DOES 1-10

DEFENDANTS

ORDER

Motion to dismiss, *No 5*, granted without prejudice to a post-discovery proposed amendment that pleads fraudulent concealment with particularity. *Summerhill v. Terminix, Inc.*, 2009 WL 3380713, *3-4 (E.D. Ark.); FED. R. CIV. P. 9(b). For now, Walker's claims are bounded by the applicable limitation periods. But he may do discovery that may lead to admissible evidence on fraudulent concealment. Proposed amended complaint covering this, and any new parties, due by 6 June 2014. The Joint Rule 26(f) report is overdue. Please file it so the Court can enter a Final Scheduling Order.

So Ordered.



D.P. Marshall Jr.
United States District Judge

25 February 2014