

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
MACON DIVISION

BIBB COUNTY SCHOOL DISTRICT,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION NO. 5:16-CV-549(MTT)
	)	
ROMAIN DALLEMAND, <i>et al.</i> ,	)	
	)	
Defendants.	)	

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**ORDER**

Defendant Romain Dallemand has moved to dismiss the Plaintiff’s complaint because it “fail[s] to state a cause of action.” Doc. 73. Defendant Dallemand bases his motion on his affirmative defense that the Plaintiff’s claims are barred “by the integration/merger clause in Defendant Dallemand’s Severance Agreement.” Doc. 73-1. Dallemand’s brief points to what he apparently assumes will be the Plaintiff’s argument in response to his affirmative defense and argues he will prevail.

The Court cannot dismiss a complaint for failure to state a claim just because a defendant thinks he has a good defense. Nothing in Dallemand’s motion or brief suggests that the complaint, on its face, fails to state a claim.

Accordingly, Dallemand’s motion is **DENIED**.

**SO ORDERED**, this 3rd day of May, 2017.

S/ Marc T. Treadwell  
MARC T. TREADWELL, JUDGE  
UNITED STATES DISTRICT COURT