United States District Court
District of Massachusetts

NExTT SOLUTIONS, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	**Civil Action No. 15-10562-NMG**
	)	
XOS TECHNOLOGIES, INC. d/b/a XOS DIGITAL and SB PARTNER HOLDINGS LLC f/k/a STRATBRIDGE, LLC,	)	
	)	
Defendants.	)	

MEMORANDUM & ORDER

GORTON, J.

In July, 2015, the Court issued a Memorandum & Order (Docket No. 29) in which the motion to dismiss filed by defendant XOS Technologies, Inc. d/b/a XOS Digital ("XOS") (Docket No. 10) was allowed, as to Count V (alleging fraudulent inducement), but was otherwise denied.

In August, 2015, the Court allowed a motion of plaintiff NExTT Solutions, LLC ("NExTT") to consolidate this action against XOS with a related case filed by NExTT against defendant SB Partner Holdings LLC f/k/a Stratbridge, LLC ("Stratbridge") in the United States District Court for the Northern District of Indiana which had recently been transferred to this Court.

At the time of such transfer the motion of Stratbridge to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) filed in the

Indiana case remained pending. That motion will be denied. The claims asserted by NExTT against both defendants are identical with the exception that NExTT did not previously state a claim under Chapter 93A against Stratbridge.

The reasoning that the Court employed in denying XOS's motion to dismiss all counts (except Count V for fraudulent inducement) is almost entirely applicable to Stratbridge's motion to dismiss. In the earlier motion the Court predicated its allowance of XOS's motion to dismiss the claim for fraudulent inducement on the fact that all of the purportedly false statements that NExTT contends it relied upon were made by Stratbridge, not XOS. Thus, because here NExTT's claim for fraudulent inducement against Stratbridge relies on allegedly false statements made by that defendant when it was negotiating the License Agreement in 2009, the Court will not dismiss that claim.

Accordingly, the motion to dismiss (Docket No. 45) filed by Stratbridge is **DENIED**.

So ordered.

Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated August 18, 2015