

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LUTHER WHITMORE, et al.,)
)
 Plaintiffs,)
)
 vs.)
)
 AMERICAN DREAM LOGISTICS,)
 INC., et al.,)
)
 Defendants.)

Case No. 4:11CV1170 RWS

MEMORANDUM AND ORDER

This matter is before me on defendant Penske’s motion to dismiss. Having reviewed the motion in light of the relevant standards, it will be denied. Whether plaintiffs can ultimately prove their claims against defendant is not properly before me at this time. Dismissal is not appropriate at this stage in the litigation as plaintiffs have adequately alleged their claims.

Accordingly,

IT IS HEREBY ORDERED that defendant’s motion to dismiss [#28] is denied.



RODNEY W. SIPPEL
UNITED STATES DISTRICT JUDGE

Dated this 2nd day of November, 2011.