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IT IS THEREFORE ORDERED that defendant's motion to dismiss (Doc. #11) is DENIED without prejudice.

IT IS FURTHER ORDERED that the parties shall file a further status report in thirty (30) days of the entry of this order if this matter is not otherwise resolved.

IT IS SO ORDERED.

DATED this 15th day of February, 2012.



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LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE