

THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:13-CV-622-D

MARY ANN WHITTED-JUSTICE,

Plaintiff,

v.

COLGATE-PALMOLIVE COMPANY;
METROPOLITAN LIFE INSURANCE
COMPANY;
UNION CARBIDE, CORP.,

Defendants.

ORDER

This matter comes before the Court upon Defendant Colgate-Palmolive Company's ("Colgate") Motion to Dismiss Plaintiff's cause of action for fraud pursuant to Rules 9(b) and 12(b)(6) of the Federal Rules of Civil Procedure. (Doc. 15.) Plaintiff did not file a response in opposition to the Motion to Dismiss. For the reasons stated in Colgate's Motion to Dismiss and the accompanying Memorandum in Support of the Motion to Dismiss, the Court grants Colgate's Motion.

Accordingly, it is hereby ORDERED that Plaintiff's Fourth Cause of Action, titled "False Representation/Fraud," is hereby dismissed as against Colgate for failure to plead fraud with particularity as required by Rule 9(b) and for failure to state a claim upon which relief can be granted under Rule 12(b)(6).

SO ORDERED. This 16 day of December 2013.


JAMES C. DEVER III
Chief United States District Judge