

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13 CV 276**

FEDERAL INSURANCE COMPANY,	)	
	)	
Plaintiff	)	
	)	
v	)	
	)	
OMEGA FLEX, INC., RB’S GAS, INC.,	)	
McNUTT SERVICES GROUP, INC., S. FOX	)	
ELECTRIC, LLC and RIVER CANE	)	
BUILDERS, LLC,	)	
	)	
Defendants.	)	

**ORDER**

**THIS MATTER** has come before the undersigned pursuant to a 12(b)(5) Motion To Dismiss Plaintiff’s Complaint (#27) filed by Defendant RB’s Gas, Inc. It appears from an examination of the motion that the motion has been filed in violation of the Local Rules governing civil cases.

LCvR 7.1(C) provides as follows:

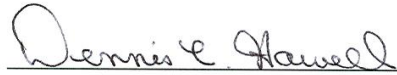
**(C) Requirement of Briefs.** Briefs shall be filed contemporaneously with the motion, except no brief is required in support of timely motions for extension of time, continuances, admission *pro hac vice*, or early discovery.

The motion filed by RB’s Gas, Inc. is not supported by a brief as required by LCvR 7.1(C) and as a result, the motion will be denied without prejudice.

**ORDER**

**IT IS, THEREFORE, ORDERED** that the 12(B)(5) Motion To Dismiss Plaintiff's Complaint (#27) is **DENIED** without prejudice.

Signed: March 11, 2014

\_\_\_\_\_

Dennis L. Howell  
United States Magistrate Judge

