

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
DOCKET NO. 1:14-cv-00006-MOC


**MEGAN PARKER,** )  
 )  
Plaintiff, )  
 )  
Vs. ) **ORDER**  
 )  
**COMMUNITY CAREPARTNERS, INC.,** )  
 )  
Defendant. )

**THIS MATTER** is before the court on defendant’s Motion to Dismiss Complaint and supporting memorandum. In reviewing the motion under Rules 12(b)(6) and 9(b), Federal Rules of Civil Procedure, the court has also considered the responsive memoranda filed by plaintiff and by the government as an interested party. Finally, the court has considered defendant’s Response to the government’s Statement of Interest. Having considered defendant’s motion and reviewed the pleadings, the court determines that plaintiff has stated claims that satisfy both Rules 12(b)(6) and 9(b) for the reasons provided by plaintiff and the government and will deny the motion and direct defendant to file its Answer. Such denial is, however, without prejudice as to defendant reasserting the substantive arguments after the completion of discovery in the form of a motion for summary judgment.

**ORDER**

**IT IS, THEREFORE, ORDERED** that defendant’s Motion to Dismiss Complaint (#27) is **DENIED** without prejudice as provided herein. Defendant shall file its Answer within 14 days.

Signed: September 20, 2016

  
Max O. Cogburn Jr.  
United States District Judge