IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION 3:10-cv-00016

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THIS MATTER is before the Court on Cross Motions for Summary Judgment. For the reasons stated in the September 14, 2011 hearing, both Plaintiffs' and Defendant's Motions for Summary Judgment pursuant to Rule 56 are **DENIED**.

SO ORDERED.

Signed: September 14, 2011

Graham C. Mullen United States District Judge