

UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF NORTH CAROLINA
 CHARLOTTE DIVISION
 DOCKET NO. 3:13-cv-00159-FDW-DCK

JEFFREY RANDOLPH WATTERSON and)
 RANDOLPH ALEXANDER WATTERSON,)

Plaintiff,)

vs.)

ORDER

WOODY BURGESS, JASON GREEN,)
 FRANKIE DELLINGER, JENNIFER HOYLE,)
 DAVID HODKINS, BOB AUSTELL, MIKE)
 ALLRED, DAVID HODKINS, CITY OF)
 CHERRYVILLE, BEN BLACKBURN,)
 SELECTIVE INS. OF S.C., CHERRYVILLE)
 CITY POLICE DEPARTMENT AND)
 CHERRYVILLE UTILITIES DEPT.,)

Defendants.)

THIS MATTER is before the Court on the Motion to Dismiss filed by Defendants Ben Blackburn, Selective Ins. Of S.C., Cherryville City Police Department, and Cherryville Utilities Department (Doc. No. 88). Both Plaintiffs' responded in opposition (Docs. Nos. 90, 91). As to the motion to dismiss as it pertains to claims asserted by Plaintiff Jeffrey R. Watterson, that portion of the motion to dismiss is DENIED AS MOOT because that Plaintiff and the moving parties have resolved all claims among them as evidenced by their stipulation of dismissal (Doc. No. 114). As to that portion of the motion to dismiss related to Plaintiff Randolph A. Watterson, the motion is DENIED without prejudice to reassert relevant arguments at summary judgment.

IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss (Doc. No. 88) is DENIED AS MOOT in part and DENIED in part without prejudice.

IT IS SO ORDERED.

Signed: April 28, 2016



Frank D. Whitney
 Chief United States District Judge

