

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00552-MOC-DSC

JAMES ROBERT WHITE,)
)
 Plaintiff,)
)
 Vs.)
)
GASTON COUNTY BOARD OF EDUCATION,)
)
 Defendant.)

ORDER

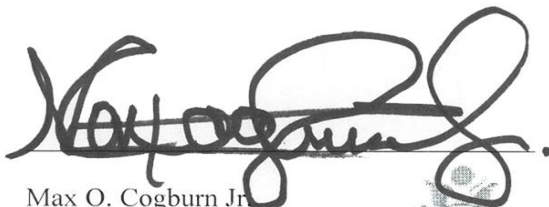
THIS MATTER is before the Court on defendant’s third Motion to Dismiss, which this time is captioned as a “partial” motion to dismiss plaintiff’s Second Amended Complaint. Having reviewed the arguments of the parties, the Court denies the Rule 12(b)(6) motion without prejudice as to reasserting its substance either at the close of discovery in the form of a Motion for Summary Judgment or at the conclusion of plaintiff’s evidence at trial in the form of a motion for directed verdict.

ORDER

IT IS, THEREFORE, ORDERED that defendant’s Partial Motion to Dismiss Second Amended Complaint (#25) is **DENIED** without prejudice as to reasserting it as provided herein.

If it has not done so already, defendant is directed to file its Answer to the Second Amended Complaint within 14 days.

Signed: March 17, 2017


Max O. Cogburn Jr.
United States District Judge