UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:16-cv-00784-MOC-DSC

TONY D. WOODS,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	ORDER
	)	
BANK OF AMERICA CORPORATION; AND BANK OF AMERICA GROUP BENEFITS PROGRAM,	)	
	)	
Defendants.	)	

THIS MATTER is before the court on defendants' partial Motion to Dismiss Counts II and III of the First Amended Complaint. Having considered defendants' partial motion and reviewed the pleadings, including plaintiff's Response (#30) and defendants' Reply (#31), the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendants' partial Motion to Dismiss Counts II and III of the First Amended Complaint (#27), seeking dismissal under Rule 12(b)(6), is **DENIED** without prejudice as to reasserting the substance of such motion at summary judgment, after discovery has closed.

Signed: April 12, 2017

Max O. Cogburn Jr.
United States District Judge