UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-00029-MOC-DCK

JOHN T. KLIMAS M.D.,	)	
	)	
Plaintiff,	)	
	)	
Vs.	)	ORDER
	)	
CAROLINA ASTHMA AND ALLERGY CENTER, P.A.,	)	
	)	
	)	
	)	
Defendant.	)	

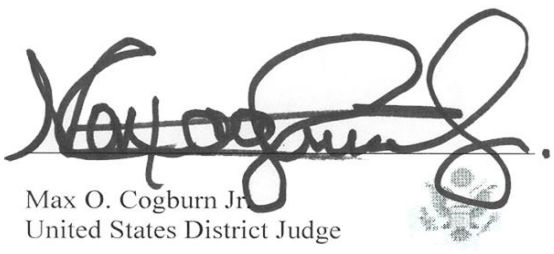
THIS MATTER is before the Court on defendant's Motion to Dismiss under Rule 12(b)(6), Federal Rules of Civil Procedure. Having considered defendant's motion and reviewed the pleadings, including plaintiff's Response (#6) and defendant's Reply (#7), the Court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant's Motion to Dismiss (#3), 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. Defendant shall file its Answer to the Complaint within 14 days.

As this matter has been reassigned, the Initial Scheduling Order dated January 20, 2017, is stricken as inapplicable to the undersigned's cases.

Signed: April 12, 2017



Max O. Cogburn Jr
United States District Judge