

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>Solomon Realty Company,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>Case No. 2:08-cv-561</b>
	:	
<b>Tim Donut U.S. Limited, Inc., et al.,</b>	:	<b>Judge Marbley</b>
	:	<b>Magistrate Judge Kemp</b>
<b>Defendants.</b>	:	
	:	

**ORDER**

This matter comes before the Court on Defendants Tim Donut U.S. Ltd., Inc., The TDL Group, Lonnie Waldrop, and LRW Maxtown, LLC’s Motions to Dismiss the Plaintiff’s Complaint and First Amended Complaint. (Doc. Nos. 10, 40, 41.) Those motions to dismiss are addressed to the Plaintiff’s original complaint and first amended complaint. Since those motions were docketed, the Plaintiff filed a Second Amended Complaint (doc. no. 64). Based on that filing, the defendants’ previous motions to dismiss are **MOOT**. This ruling does not affect the ability of the defendants to incorporate by reference the arguments contained in their previous motions in their Motions to Dismiss the Plaintiff’s Second Amended Complaint. (Doc. Nos. 66 and 67.)

**IT IS SO ORDERED.**

s/Algenon L. Marbley  
**ALGENON L. MARBLEY**  
**UNITED STATES DISTRICT JUDGE**

**DATED: June 4, 2009**