

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION**

JOHN K. FORT, Chapter 7 Trustee for NMFC,
LLC f/k/a Innegrity, LLC,

Plaintiff,

vs.

Jeff Ettin, Jack McCall, Fran Gregory,
Michael McGinness, Innegra Technologies,
LLC, Mark Smith and Robert Castellani,

Defendants.

Case No. 7:13-cv-01052-TMC

CONSENT ORDER

THIS MATTER comes before the Court to resolve Defendants Innegra Technologies, LLC, Mark Smith, and Robert Castellani's (collectively "Defendants") Motion to Dismiss the Fourth and Fifth Causes of Action of the Amended Complaint (Docket Entry No. 8) by agreement of the parties. As evidenced by the signatures of their respective counsel below, Plaintiff John K. Fort, Chapter 7 Trustee for NMFC, LLC f/k/a Innegrity, LLC ("Plaintiff") agrees to dismiss the Fourth Cause of Action of the Amended Complaint for Conspiracy without prejudice. Defendants agree to withdraw their Motion to Dismiss the Fifth Cause of Action for Aiding an Abetting Breach of Fiduciary Duty and file an Answer to the Amended Complaint within ten (10) days of the filing of this Order. As Defendants' Motion is made under Fed.R.Civ. P. 12(b)(6), Defendants may raise these arguments again at any time.

NOW THEREFORE, it is hereby ordered that Plaintiff's Fourth Cause of Action is DISMISSED WITHOUT PREJUDICE and Defendants' Motion to Dismiss the Fifth Cause of

Action is DENIED. Defendants Innegra Technologies, LLC, Mark Smith, and Robert Castellani shall file an Answer to the Amended Complaint within ten (10) days after the filing of this Order.

IT IS SO ORDERED.

s/Timothy M. Cain
Timothy M. Cain
United States District Court Judge

June 25, 2013

Anderson, South Carolina

WE CONSENT:

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