

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE

ARTHUR A. RUGE,

Plaintiff,

v.

THE BAILEY COMPANY, INC.,
d/b/a THE BAILEY COMPANY,
INC. OF DELAWARE

Defendant.

Civil Action No. 3:13-CV-0448

JUDGE HAYNES

JURY DEMAND

Handwritten notes: Based upon the amended complaint that supersedes the original complaint, the motion to DISMISS as moot and without prejudice to the Defendant's second motion to dismiss.

DEFENDANT THE BAILEY COMPANY INC.'S MOTION TO DISMISS

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant, The Bailey Company, Inc.

("Bailey Co."), respectfully moves this Court to dismiss Plaintiff's Complaint [Doc. No. 1] with prejudice because the Complaint shows on its face that it is time-barred by the applicable one-year statute of limitations. The grounds for this Motion are more fully set forth in the attached Memorandum in Support.

Respectfully submitted,

FLEISSNER, DAVIS AND JOHNSON

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