

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

RICKY B. PERRITT, Individually; §
The Cupcakery, LLC, a Texas Limited §
Liability Company; Buster Baking, LLC, §
a Texas Limited Liability Company; and the §
Woodlands Baking, LLC, a Texas Limited §
Liability Company, §

Plaintiffs §

CAUSE NO. 4:11-CV-23

v. §

PAMELA F. JENKINS, Individually; and §
The Cupcakery, LLC, a Nevada Limited §
Liability Company, §

Defendants. §

**ORDER GRANTING DEFENDANT PAMELA F. JENKINS AND DEFENDANT
THE CUPCAKERY, A NEVADA LIMITED LIABILITY COMPANY’S
MOTION TO DISMISS AND MEMORANDUM IN SUPPORT**

On this day, the Court considered Defendant Pamela F. Jenkins (“Jenkins”) and Defendant The Cupcakery, LLC, a Nevada Limited Liability Company’s (“Nevada Cupcakery”) (collectively, the “Defendants”) Motion to Dismiss and Memorandum in Support (the “Motion”) seeking to dismiss the Third and Fourth Causes of Action in Plaintiffs Ricky B. Perritt (“Perritt”), The Cupcakery, LLC, a Texas Limited Liability Company (the “Texas Cupcakery”), Buster Baking, LLC, a Texas Limited Liability Company (“BLLC”), and the Woodlands Baking, LLC, a Texas Limited Liability Company’s (“WBLLC”) (collectively, Perritt, Texas Cupcakery, BLLC and WBLLC are the “Plaintiffs”) Original Complaint and Application for

Temporary Restraining Order, Preliminary Injunction, Permanent Injunction, Declaratory Judgment and Damages (Dkt. No. 1) (the “Complaint”). Having considered the Motion and any response from Defendants, the Court hereby GRANTS Defendants’ Motion and dismisses Plaintiffs’ causes of action for breach of fiduciary duty and breach of the duty of loyalty with prejudice to the refilling of same.