

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
BIG STONE GAP DIVISION**

**GUARDIAN PHARMACY OF
EASTERN NC, LLC,**)
)
)
Plaintiff,)
)
)
v.)
)
)
**WEBER CITY HEALTHCARE, ETC.,)
ET AL.,**)
)
Defendants.)

Case No. 2:12CV00037

ORDER

By: James P. Jones
United States District Judge

It appearing proper, no timely objections having been filed to the Report and Recommendation of the Honorable Pamela Meade Sargent, U.S. Magistrate Judge, issued on January 24, 2013 (ECF No. 39), it is **ORDERED** as follows:

1. The Report and its recommendations are fully **ACCEPTED**;
2. The Motion to Transfer this Action (ECF No. 8) is **DENIED**;
3. The Motion to Dismiss (ECF No. 13) is **GRANTED IN PART AND DENIED IN PART**;
4. The Motion to Dismiss is **GRANTED** insofar as it seeks to dismiss the claims against defendants Continium Health Care Management, LLC and Continium Opco, LLC, pursuant to Rule 12(b)(2) for lack of

personal jurisdiction and said defendants are DISMISSED as parties to this case;

5. The Motion to Dismiss is GRANTED insofar as it seeks to dismiss the plaintiff's claims for breach of contract, detrimental reliance, and misrepresentation and those claims are DISMISSED; and
6. The Motion to Dismiss is DENIED insofar as it seeks to dismiss the plaintiff's claim for unjust enrichment.

ENTER: February 14, 2013

/s/ James P. Jones
United States District Judge