

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

TAMMY C. WHEELER,	)	
	)	Case No. 4:10CV00040
Plaintiff,	)	
	)	
v.	)	<b>ORDER</b>
	)	
WISEMAN ENTERPRISES, INC.,	)	
	)	By: Jackson L. Kiser
Defendant.	)	Senior United States District Judge

Before me is Defendant’s Motion to Dismiss [ECF No. 4] pursuant to Federal Rule of Civil Procedure 12(b)(1). Plaintiff filed her brief in opposition [ECF No. 12], Defendant replied [ECF No. 13] and I heard oral argument and evidence at an April 7, 2011 hearing. The matter is now ripe for review. I have analyzed the relevant briefs, affidavits, interrogatories, depositions and testimony. For the reasons stated in the accompanying Memorandum Opinion, Defendant’s Motion to Dismiss is **DENIED**.

The Clerk is directed to send a copy of this Order and the accompanying Memorandum Opinion to all counsel of record.

Entered this 15th day of April, 2011.

s/Jackson L. Kiser  
Senior United States District Judge