

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

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|--------------------------------|---|-------------------------------------|
| A. C. FURNITURE, INC., |) | |
| |) | |
| Plaintiff, |) | Case No. 4:14-cv-00029 |
| |) | |
| v. |) | <u>ORDER</u> |
| |) | |
| ARBY'S RESTAURANT GROUP, INC., |) | By: Hon. Jackson L. Kiser |
| |) | Senior United States District Judge |
| Defendant. |) | |

Plaintiff A.C. Furniture, Inc. filed suit against Defendant Arby's Restaurant Group, Inc. on April 17, 2014, in the Circuit Court of Pittsylvania County. On June 9, 2014, Defendant Arby's Restaurant Group, Inc., removed the action to this Court. Thereafter, on July 3, 2014, Defendant filed a Motion to Dismiss the Complaint for Failure to State a Claim, pursuant to Federal Rule of Civil Procedure 12(b)(6). (Def.'s Mot. to Dismiss, July 3, 2014 [ECF No. 16].) The parties appeared before me on September 23, 2014, to argue their respective positions. For the reasons stated in the accompanying Memorandum Opinion, Defendant's Motion to Dismiss is hereby **DENIED**.

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

Entered this 3rd day of October, 2014.

s/Jackson L. Kiser
SENIOR UNITED STATES DISTRICT JUDGE