

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA**  
LYNCHBURG DIVISION

PHILLIP B. DIAMOND,

*Plaintiff,*

v.

MOHAWK INDUSTRIES, INC.,

*Defendant.*

CASE NO. 6:12-cv-00057

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Defendant Mohawk Industries, Inc.'s Motion to Dismiss and for Sanctions ("Motion to Dismiss") (docket no. 32). For the reasons in the accompanying memorandum opinion, Defendant's Motion to Dismiss (docket no. 32) is hereby GRANTED in part and DENIED in part. In accordance with the memorandum opinion, I DISMISS Plaintiff's case WITH PREJUDICE and ORDER that the Clerk strike the case from the active docket of the Court. The April 14, 2014 court trial scheduled in this case is hereby CANCELED.

The Clerk of the Court is directed to send a certified copy of this order to all counsel of record, and to Defendant at 432 Pocahontas Street, Glasgow, VA 24555, and at 1217 Anderson Street, Glasgow, VA 24555.

It is so ORDERED.

Entered this 10<sup>th</sup> day of April, 2014.

  
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NORMAN K. MOON  
UNITED STATES DISTRICT JUDGE