

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

MAY 16, 2012

JULIA C. DUDLEY, CLERK  
BY: *[Signature]*  
DEPUTY CLERK

CHARLES KING, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FLINN & DREFFEIN ENGINEERING )  
CO., )  
 )  
Defendant. )  
\_\_\_\_\_ )

Case No. 7:09-cv-00410

ORDER

By: James C. Turk  
Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, the Defendant's Partial Motion to Dismiss (ECF No. 119) is **GRANTED in part and DENIED in part**. To the extent that the Plaintiff's Second Amended Complaint alleges that the Defendant breached a post-sale duty to retrofit, those claims are **DISMISSED**.

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

**IT IS SO ORDERED.**

ENTER: This 16<sup>th</sup> day of May, 2012.

*James C. Turk*  
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Senior United States District Judge