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

v-00322
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In accordance with the accompanying memorandum opinion, it is hereby

## ORDERED

that Defendants' Motion to Dismiss or in the Alternative, Motion for Summary Judgment

(docket no. 33) is **GRANTED**.

The Clerk is directed to send a copy of this order and the accompanying memorandum

opinion to the parties and to strike this matter from the Court's active docket.

ENTER: this <u>23rd</u> day of August, 2013.

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NORMAN K. MOON UNITED STATES DISTRICT JUDGE