CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VA
FILED

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

JUSTIN D. THOMAS & IRENE S. THOMAS,	**Case No.: 7:12-cv-00413-JCT**
Plaintiffs,	**ORDER**
v.	**By: James C. Turk**
CARMEUSE LIME & STONE, INC.,	**Senior United States District Judge**
Defendant.	

In accordance with the accompanying Memorandum Opinion entered this day, it is hereby

ORDERED

that

1. Defendants' Motion to Dismiss (ECF No. 33), is **DENIED;**
2. Plaintiffs' request for a Preliminary Injunction (see ECF No. 2), previously taken under advisement, is **DISMISSED WITHOUT PREJUDICE AS MOOT;** and
3. Defendant Carmeuse's Motion to Dismiss (ECF No. 19) is **DENIED AS MOOT**.

The Clerk of the Court is directed to send a copy of this memorandum opinion and accompanying order to all counsel of record.

IT IS SO ORDERED.

ENTER: This 17th day of December, 2012.

James C. Turk

Honorable James C. Turk
Senior United States District Judge

Thomas et al v. Carmeuse Lime & Stone, Inc.

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