

SEP 18 2013

JULIA C. DUDLEY, CLERK
BY: *[Signature]*
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

ROBERT J. COLLIER,)
 Plaintiff,)
)
 v.)
)
 LAND & SEA RESTAURANT CO., LLC)
 d/b/a FRANKIE ROWLAND'S)
 STEAKHOUSE,)
 Defendant/Third-Party Plaintiff,)
)
 v.)
)
 PERFORMANCE FOOD GROUP, INC.)
 d/b/a PERFORMANCE FOOD)
 SERVICE-VIRGINIA,)
 Third-Party Defendant/)
 Fourth-Party Plaintiff,)
)
 v.)
)
 WEAVER FRESH SEAFOOD &)
 PRODUCE,)
 Third-Party Defendant,)
)
 v.)
)
 SAM RUST SEAFOOD & PRODUCE,)
 Fourth-Party Defendant.)
 _____)

Case No. 7:13-cv-00104-JCT

ORDER

By: James C. Turk
Senior United States District Judge

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

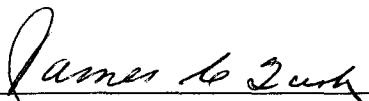
ADJUDGED and ORDERED

that Fourth-Party Defendant's Motion to Dismiss (ECF No. 40) is **GRANTED** and that the claim in the Fourth-Party Complaint of Performance Food Group seeking common law indemnification against Sam Rust Seafood & Produce is hereby **DISMISSED WITH PREJUDICE**.

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 18th day of September, 2013.



Senior United States District Judge