

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

JAN 28 2014

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

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

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, INC.,  
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 **ORDERED** that Sam Rust Seafood, Inc.'s motion for summary judgment, ECF No. 57, and Performance Food Group, Inc.'s motion for summary judgment, ECF No. 62, are both **DENIED WITHOUT PREJUDICE**.

ENTER: This 27<sup>th</sup> day of January, 2014.

*[Signature]*  
Senior United States District Judge