

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

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

SEP 30 2016

JULIA C. DUDLEY, CLERK
BY:  DEPUTY CLERK

RACHEL L. COOK,

Plaintiff,

v.

SCOTT MCQUATE, et. al,

Defendants.

)
)
)
) Civil Action No. 7:15-cv-00456
)
)
) By: Michael F. Urbanski
) United States District Judge
)

ORDER

For the reasons set forth in the accompanying memorandum opinion, Defendants' objections, ECF No. 53, are **OVERRULED**, and the R&R, ECF No. 52, **ADOPTED** in its entirety. Accordingly, Defendants' motion to dismiss, ECF No. 18, is **DENIED** in part and **GRANTED in part**. Count V of the Amended Complaint alleging a RICO violation is **DISMISSED without prejudice**. In the event Cook wishes to amend Count V of the amended complaint, she must do so within fourteen (14) days. To the extent Defendants' earlier motion to dismiss, ECF No. 13, is not already **DENIED**, it is **DENIED** as **MOOT**.

It is so **ORDERED**.

Entered: 09/29/2016

/s/ Michael F. Urbanski



Michael F. Urbanski
United States District Judge