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R. 79 (a)

SEP 03 2004

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

P/KW

ELLIOTT R. MOORE)

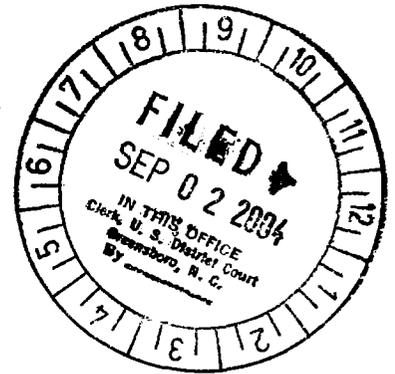
Plaintiff,)

v.)

1:04CV0047

ROGER COX AND MILLER BREWING)
COMPANY)

Defendants.)

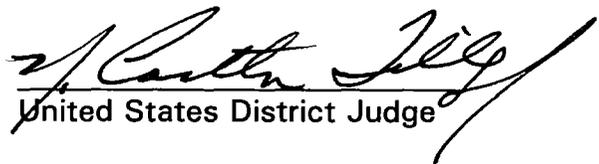


ORDER

TILLEY, Chief Judge

For the reasons set forth in a contemporaneously filed Memorandum Opinion, Defendant Cox's Motion to Dismiss the Complaint [Doc. # 9] is DENIED in part and GRANTED in part. The Motion is DENIED as to the claims of insufficient process under Rule 12(b)(4), insufficient service of process under Rule 12(b)(5), and failure to state a claim for defamation under Rule 12(b)(6). Defendant Cox's Motion for failure to state a claim for unfair trade practices under Rule 12(b)(6) is GRANTED.

This the 2nd day of ^{September} ~~August~~, 2004.


United States District Judge