

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

WILLIAM STEPHENSON, )  
)  
Plaintiff, )  
)  
v. ) 1:17-CV-1141  
)  
INTERNATIONAL BUSINESS )  
MACHINES CORPORATION, )  
)  
Defendant.

**ORDER**

Before the court is the motion of Defendant International Business Machines Corporation ("IBM") for partial judgment on the pleadings. (Doc. 38.) The motion is fully briefed and ready for decision. In substance, the motion seeks judgment on the pleadings as to those claims for which the court granted a motion to dismiss involving a substantially similar situation in a related case, Vinson v. International Business Machines Corporation, Case No. 1:17CV798 (Doc. 22) 2018 WL 4608250 (M.D.N.C. Sept. 25, 2018), pending in this district.

Though Stephenson opposes IBM's motion for partial judgment on the pleadings, he "agrees with IBM that the issues presented in its Motion are in relevant part identical to certain of the issues ruled upon by this Court in its order denying in part and granting in part IBM's motion to dismiss in *Vinson v. IBM*." (Doc. 41 at 1.) Stephenson contends that the court erred in ruling against Vinson but has not identified any factual differences between this

case and the Vinson case that would warrant a different result. (Id.) Accordingly, for the reasons stated at length in the Vinson order denying in part and granting in part IBM's motion to dismiss (Doc. 22 in case number 1:17CV798), the motion for partial judgment on the pleadings will be granted.

IT IS THEREFORE ORDERED that the Defendant's motion for partial judgment on the pleadings (Doc. 38) is GRANTED as follows:

1. As to the first cause of action alleging breach of contract, the motion is GRANTED and the claim is DISMISSED;

2. As to the portions of the fourth and fifth causes of action alleging fraudulent misrepresentation and negligent representation based on alleged statements of IBM executives, the motion to dismiss is GRANTED;

3. As to the sixth cause of action alleging punitive damages, the motion is GRANTED and the claim is DISMISSED, provided that Stephenson's prayer for punitive damages remains.

/s/ Thomas D. Schroeder  
United States District Judge

June 20, 2019