

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ALABAMA  
WESTERN DIVISION**

WAGNER SHOES, LLC,	)	
	)	
Plaintiff,	)	
	)	
v.	)	7:20-cv-00465-LSC
	)	
AUTO-OWNERS INSURANCE	)	
COMPANY and OWNERS	)	
INSURANCE COMPANY,	)	
	)	
Defendants.	)	
	)	

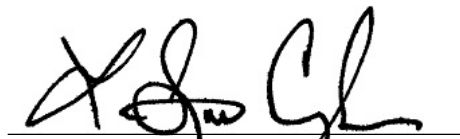
**ORDER**

Two motions are before the Court. (Docs. 19 and 25.) First, Defendants filed a Rule 12(b)(6) motion to dismiss. (Doc. 19.) After careful consideration of the briefs and cited authority, the Court DENIES that motion. (*Id.*) Defendants may reassert the motion’s arguments at the summary-judgment stage. Second, Plaintiff moved to dismiss Count V of its Fourth Amended Complaint with prejudice and to dismiss all its claims against Auto-Owners Insurance Company without prejudice. (Doc. 25.) The Court then held a telephone conference on September 22, 2020. Thereon, Plaintiff agreed to dismiss all its claims against Auto-Owners *with* prejudice. As stated during the conference, all claims against Auto-Owners are DISMISSED

WITH PREJUDICE, and Count V of Plaintiff's Fourth Amended Complaint is DISMISSED WITH PREJUDICE.

The Court ORDERS the parties to file a Planning Meeting Report within twenty-one (21) days of this Order's entry. (*See* Doc. 11 at 1-3.)

**DONE** and **ORDERED** on December 8, 2020.



L. Scott Coogler  
United States District Judge

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