

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA**

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BUTERA & ANDREWS,

Plaintiff,

v.

INTERNATIONAL BUSINESS  
MACHINES CORPORATION, et al.,

Defendants.

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Civil Action No. 06-647 (RBW)

**ORDER**

In accordance with the Memorandum Opinion that accompanies this Order, it is hereby

**ORDERED** that IBM's motion to dismiss the action against it for failure to state a claim upon which relief may be granted is GRANTED. The plaintiff's action against IBM is dismissed without prejudice. It is further

**ORDERED** that the plaintiff's motion for limited expedited discovery is DENIED. It is further

**ORDERED** that a status conference in this matter shall be held on December 20, 2006, at 9:30 a.m., to assess what progress, if any, the plaintiff has made or intends to make in prosecuting this action against the John Doe defendant.

**SO ORDERED** this 18th day of October, 2006.

REGGIE B. WALTON  
United States District Judge