

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION**

**LYNN WALTER, *et al.*, individually and on
behalf of all others similarly situated,**

Plaintiffs,

vs.

**BUFFETS, INC., d/b/a HOMETOWN
BUFFETS, RYAN'S, OLD COUNTRY
BUFFET, FIRE MOUNTAIN,
COUNTRY BUFFET,**

Defendant.

Case No. 6:13-cv-2995

Judge J. Michelle Childs

**DEFENDANT'S RULE 12(B)(6) MOTION TO DISMISS PLAINTIFFS' AMENDED
COMPLAINT IN ITS ENTIRETY, AND WITH PREJUDICE**

Pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, Defendant Buffets, Inc. d/b/a HomeTown Buffet, Ryan's, Old Country Buffet, Fire Mountain, and Country Buffet ("Defendant") respectfully moves to dismiss the Amended Complaint of Plaintiffs Lynn Walter, Cindy Brown and Kathlene Abston ("Plaintiffs") in its entirety, and with prejudice. The facts and arguments in support of this Motion are set forth in Defendant's Memorandum in Support filed contemporaneously herewith.

Dated: November 13, 2013

Respectfully submitted,

/s/ D. Michael Henthorne

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CERTIFICATE OF SERVICE

It is hereby certified that the foregoing *Defendant's Rule 12(b)(6) Motion To Dismiss The Amended Complaint In Its Entirety* has been filed via the electronic filing system on November 13, 2013. Notice of filing will be performed by the Court's electronic filing system, and parties may access the document through the electronic filing system.

/s/ D. Michael Henthorne

D. Michael Henthorne (#6386)

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