

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

**DENNIS KYRSTEK, Individually** )  
**And on Behalf of All Others Similarly** )  
**Situated,** )

**Plaintiffs,** )

**v.** )

**RUBY TUESDAY, INC., JAMES J.** )  
**BUETTGEN, MICHAEL O. MOORE,** )  
**And KIMBERLY S. GRANT,** )

**Defendant.** )

**No. 3:14-cv-01119**


**Judge Sharp**  
**Magistrate Judge Knowles**

**ORDER**

For the reasons set forth in the Memorandum filed contemporaneously herewith, the Court hereby rules as follows:

- (1) Plaintiffs' Motion to Strike (Docket No. 51) is DENIED AS MOOT;
- (2) Defendants' Motion to Dismiss (Docket No. 43) is GRANTED with respect to Plaintiffs' claims stemming from Defendants' statements about the Ruby Tuesday repositioning Plan, but DENIED with respect to Plaintiffs' claims stemming from material omissions regarding Lime Fresh's performance;
- (3) The claims by Alaska Electrical Pension Fund are DISMISSED for lack of causation;
- (4) Plaintiffs are ORDERED to seek appointment of a new Lead Plaintiff within thirty (30) days of this Order.
- (5) Within ten (10) days after entry of an order appointing a new lead plaintiff, the parties are directed to submit a proposed amended scheduling order.

It is SO ORDERED.

  
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KEVIN H. SHARP  
UNITED STATES DISTRICT JUDGE