

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

BURKE BOWERS, et al.,)
)
Plaintiffs,)
)
v.) 1:15-CV-732
)
BB&T CORPORATION, et al.,)
)
Defendants.)

BREWSTER SMITH, JR., et al.,)
)
Plaintiffs,)
)
v.) 1:15-CV-841
)
BB&T CORPORATION, et al.,)
)
Defendants.)

ORDER AND JUDGMENT AS TO CARDINAL INVESTMENT ADVISORS, LLC

This matter is before the Court on a motion to dismiss filed by the defendant Cardinal Investment Advisors, LLC. Cardinal contends that claims against it in the Second Amended Complaint should be dismissed because the complaint contains only conclusory assertions with insufficient factual allegations as against it. The Court agrees.

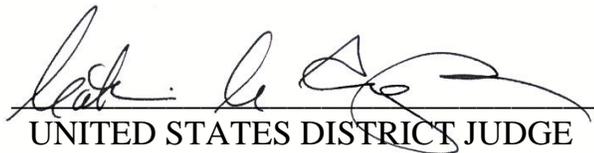
While perhaps the plaintiffs have arguably alleged facts to support the claim that Cardinal had some fiduciary responsibilities, there are no facts alleged indicating that it was a fiduciary with respect to the particular activities at issue, some of which occurred before Cardinal even had a relationship with BB&T. The plaintiffs do little more than use the word “Defendants” or add the phrase “and Cardinal” to allegations against other

defendants. There are no facts alleged that as to the particular breaches of fiduciary duty alleged, Cardinal did any specific thing.

While a plaintiff does not have to prove his or her case in the complaint and does not have to offer facts in support of every element he or she will be required to prove at trial, some specific facts tending to indicate a particular defendant is liable are necessary. Here, the plaintiffs have essentially alleged nothing more than that Cardinal gave BB&T general investment advice.

It is **ORDERED** and **ADJUDGED** that the motion to dismiss filed by the defendant Cardinal Investment Advisors, Doc. 109, is **GRANTED** and all claims against Cardinal Investment Advisors LLC are **DISMISSED**.

This the 18th day of April, 2017.


UNITED STATES DISTRICT JUDGE