

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND**

BRICKLAYERS AND ALLIED
CRAFTSMEN LOCAL UNION NO. 3,
Plaintiff,

v.

C.A. No. 13-138-ML

UNION STONE, INC.

and

NUZZO CAMPION STONE
ENTERPRISES, INC.
Defendants.

ORDER

Union Stone, Inc. ("Union Stone"), one of the defendants in this action brought by Bricklayers and Allied Craftsmen Local Union No. 3. ("Local 3") to enforce a labor arbitration award, has filed a motion under Fed. R. Civ. P. 12(b)(1) and 12(b)(6) to dismiss Local 3's complaint. In the course of arguing their respective positions, both parties have submitted materials outside the pleadings. As provided in Fed. R. Civ. P. 12(d), the Court, on its own motion, has determined that it will not exclude those materials in considering Union Stone's motion.

The parties are herewith put on notice that the Court will treat the motion to dismiss as a motion for summary judgment pursuant to Fed. R. Civ. P. 56. The parties are instructed to submit all materials, if any, which they consider pertinent to the

motion, on or before October 7, 2013.

SO ORDERED.

/s/ Mary M. Lisi

Mary M. Lisi
Chief United States District Judge

September 20, 2013