

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

CHARLENE DZIELAK et al.

Plaintiffs,

v.

WHIRLPOOL CORPORATION et al.

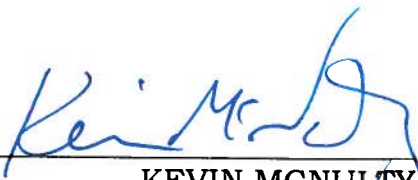
Defendants.

Civ. No. 2:12-0089 (KM)(JBC)

ORDER

This case comes before the Court on a motion (Dkt. Nos. 89 and 90) by all defendants to dismiss the Second Amended Complaint (Dkt. No. 86). The Plaintiffs filed an opposition (Dkt. No. 93) to the motion, and the Defendants filed a reply (Dkt. Nos. 98, 99). I have reviewed the filings, as well as the entire case record, and decided the matter without oral argument pursuant to FED. R. CIV. P. 78. For the reasons explained in an Opinion filed with this Order, and for good cause shown:

IT IS this 31st day of July **ORDERED** that the motion to dismiss (Dkt. Nos. 89 and 90) is **GRANTED IN PART** and **DENIED IN PART**. Count I of the Second Amended Complaint will be **DISMISSED WITHOUT PREJUDICE**. Count IV of the Complaint will be **DISMISSED WITH PREJUDICE** as to defendant Whirlpool only. In all other respects, the motion is **DENIED**.



KEVIN MCNULTY
United States District Judge