

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

AMY BURKE,

Plaintiff,

v.

**WEIGHT WATCHERS INTERNATIONAL,
INC. and WELLS ENTERPRISES, INC.**

Defendants.

Civ. No. 2:12-06742 (WJM)

ORDER

The Plaintiff in this case is Amy Burke. The Defendants are Weight Watchers, International, Inc. and Well Enterprises, Inc. (together “Weight Watchers”). Burke purchased two diet bars in a line of diet bars sold under the Weight Watchers name. Burke subsequently filed an Amended Complaint against Weight Watchers alleging violations of several state laws. Burke seeks to represent a class of individual who bought the two diet bars she purchased, as well as other diet bars in the same product line.

This matter comes before the Court on three motions. First, on standing grounds, Defendants move pursuant to Federal Rule of Civil Procedure 12(b)(1) to dismiss claims related to diet bars that Burke did not purchase. Second, Defendants move pursuant to Federal Rule of Civil Procedure 12(b)(6) to dismiss the Amended Complaint for failure to state a claim. Third, Defendants move pursuant to Federal Rule of Civil Procedure 12(f) to strike Amended Complaint paragraphs 33-39.

For the reasons set forth in the accompanying opinion; and for good cause appearing;

IT IS on this 15th day of October 2013, hereby,

ORDERED that Defendants' Rule 12(b)(1) motion to dismiss is **DENIED**; and it is further

ORDERED Defendants' Rule 12(b)(6) motion to dismiss is **GRANTED**; and it is further

ORDERED that Counts I-IV are **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that Defendant's Rule 12(f) motion to strike is **DENIED**; and it is further

ORDERED that Plaintiff shall have thirty days from the date of this Order in which to amend the complaint to address only those deficiencies noted in the accompanying Opinion.

/s/ William J. Martini
WILLIAM J. MARTINI, U.S.D.J.