

NOT FOR PUBLICATION

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

**SCOTT MILLER, on behalf of himself and
all others similarly situated,**

Plaintiff,

v.

**SAMSUNG ELECTRONICS AMERICA,
INC.,**

Defendant.

Civil Action No. 14-4076 (ES) (MAH)

ORDER

SALAS, DISTRICT JUDGE

Pending before the Court is Defendant Samsung Electronics America, Inc.'s motion to dismiss Count Four of Plaintiff's Second Amended Class Action Complaint, or, in the alternative, to dismiss Counts One through Three. (D.E. No. 46). For the reasons stated in the Court's accompanying Opinion;

IT IS on this 16th day of November 2016;

ORDERD that Defendant's motion to dismiss Count Four of the Second Amended Class Action Complaint is **GRANTED** without prejudice to Plaintiff asserting the dismissed claim in state court.

SO ORDERED.

/s/ Esther Salas
Esther Salas, U.S.D.J.