

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MICHAEL URBINO, on behalf of himself
and all others similarly situated,

Plaintiff,

v.

AMBIT ENERGY HOLDINGS, LLC, et al.,

Defendants.


Civil Action No. 14-5184 (MAS) (DEA)

ORDER

This matter comes before the Court on the motion of Defendants Ambit Energy Holdings, LLC, Ambit Texas, LLC, Ambit Northeast, LLC, and Ambit New York, LLC (“Defendants”) to dismiss the Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF No. 37.) The Court has carefully considered the parties’ submissions and decides the matter without oral argument pursuant to Local Civil Rule 78.1. For the reasons set forth in the accompanying Opinion, and other good cause shown,

IT IS, on this 22 day of July 2015, **ORDERED** that:

1. Defendants’ motion to dismiss (ECF No. 37) is GRANTED.
2. Count One and Count Seven of Plaintiff’s Complaint are dismissed *with* prejudice.
3. Count Six of Plaintiff’s Complaint is dismissed without prejudice. To the extent the deficiencies in Plaintiff’s claim can be cured by way of amendment, Plaintiff is granted leave to amend the claim. Failure to do so, **on or before August 21, 2015**, will result in dismissal of the claim *with* prejudice.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE