

**NOT FOR PUBLICATION**

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

IN RE MERCEDES-BENZ EMISSIONS  
LITIGATION

Civil Action No.: 16-881 (JLL)(JAD)

**ORDER**

**LINARES**, District Judge.

This matter comes before the Court by way of Defendants Mercedes-Benz USA, LLC's and Daimler AG's (collectively, "Defendants") motion to dismiss the Consolidated and Amended Class Action Complaint ("CAC") and to compel arbitration. (ECF No. 38). Plaintiffs have opposed this motion (ECF No. 45), and Defendants have replied to that opposition (ECF No. 54). The Court decides this matter without oral argument, pursuant to Federal Rule of Civil Procedure 78. For the reasons stated in the Opinion accompanying this Order,

IT IS on this 5<sup>th</sup> day of December, 2016

**ORDERED** that Defendants' motion to dismiss (ECF No. 38) the Consolidated and Amended Class Action Complaint (ECF No. 38) is hereby GRANTED; and it is further

**ORDERED** that the Consolidated and Amended Class Action Complaint (ECF No. 17) is hereby DISMISSED *without prejudice*.

IT IS SO ORDERED.

  
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JOSE L. LINARES, U.S.D.J.