

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

KIM NEUSS and ANTONIO NEUSS,
individually and on behalf of all others
similarly situated,

Plaintiffs,

v.

RUBI ROSE, L.L.C., et al.,

Defendants.


Civil Action No. 16-2339 (MAS) (LHG)

ORDER

This matter comes before the Court on Defendants Rubi Rose, L.L.C., doing business as Dapple Baby, and Ruby Ventures, Inc.'s ("Defendants") motion to dismiss Plaintiffs Kim Neuss and Antonio Neuss' ("Plaintiffs") Second Amended Complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. (ECF No. 42.) Plaintiffs filed opposition and a cross-motion for leave to amend (ECF No. 45), and Defendants replied (ECF No. 46). 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 Memorandum Opinion, and for other good cause shown,

IT IS on this 16th day of January 2018, **ORDERED** that:

1. Defendants' motion to dismiss (ECF No. 42) is: (a) **GRANTED** with respect to Count V, which is dismissed without prejudice; and (b) **DENIED** with respect to Counts I through IV and Plaintiffs' request for punitive damages.
2. Plaintiffs' cross-motion for leave to amend is **DENIED** without prejudice.



MICHAEL A. SHIPP
UNITED STATES DISTRICT JUDGE