

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

IN RE MERCEDES-BENZ EMISSIONS
LITIGATION

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

ORDER

This matter comes before the Court by way of Defendants Mercedes-Benz USA, LLC's and Daimler AG's motion to dismiss the Fourth Consolidated and Amended Class Action Complaint ("FAC") (ECF No. 107), (ECF No. 117), as well as Defendant Robert Bosch LLC's motion to dismiss the FAC, (ECF No. 118). For the reasons set forth in the Court's corresponding Opinion,

IT IS on this 1st day of February, 2019,


ORDERED that Defendants' motions to dismiss the FAC are hereby GRANTED IN PART AND DENIED IN PART; and it is further

ORDERED that to the extent Plaintiffs' state-law claims are premised solely and Defendants' alleged affirmative misrepresentations, Defendants' motions are GRANTED as to those claims, and Plaintiffs will not be able to proceed on state-law claims that are not also based on Defendants' omissions. The Court notes, however, that it is not readily apparent that there are any of Plaintiffs claims state-law based solely on affirmative misrepresentations; and it is further

ORDERED that Mercedes' motion is GRANTED as to Plaintiffs' New Jersey state law consumer protection claim, and that claim is hereby DISMISSED WITHOUT PREJUDICE; and it is further

ORDERED that Defendants' motions are DENIED as to the rest of the claims in the FAC.

SO ORDERED.



JOSE L. LINARES
Chief Judge, United States District Court