

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
FORT SMITH DIVISION

DIANA PEREZ; LORI PERRITT; ANTHONY
GUNN; FRANK VAVPOTIC; STEVE JOHNSON;
CANDACE JEFFRIES; TARA HRACHOVY;
LESLIE ARTHUR; and JEFFREY HARMAN,
on behalf of themselves and all others similarly situated

PLAINTIFFS

v.

Case No. 2:12-CV-02289

VOLKSWAGEN GROUP OF AMERICA, INC.

DEFENDANT

JUDGMENT

For the reasons set forth in the Court's Order filed contemporaneously herewith, IT IS HEREBY ORDERED AND ADJUDGED that Defendant Volkswagen Group of America, Inc.'s Motion to Dismiss (Doc. 14) is GRANTED. Plaintiff Diana Perez's claims are dismissed with prejudice for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6); and the claims of Plaintiffs Perritt, Gunn, Vavpotic, Johnson, Jeffries, Hrachovy, Arthur, and Harman are dismissed without prejudice due to lack of proper venue, pursuant to 28 U.S.C. § 1406(a).

Defendant's request for an award of its costs and fees incurred in preparing and filing its Motion to Dismiss is denied. The parties are instructed to bear their own attorney's fees and costs.

IT IS SO ORDERED AND ADJUDGED this 17th day of April, 2013.

P. K. Holmes, III

P.K. HOLMES, III
CHIEF U.S. DISTRICT JUDGE