

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Teng Moua, Juan Martinez, Cheri Martinez, Kua Vang Xiong, Maiku Thao, Cherpao Yang, Bee Vang, Vang Pao Moua, Mailou Xiong Yang, Vangxue Yang, Eng Thao, Choua Moua, Meshack Balira, Ferdinand Nyambarya, VMS Inc., Richard Chang, Lee Wong Chang, Khonekham Dejvongsa, Noupheet Dejvongsa, Diego Cortez Dominguez, Mohamud Egal, Mohamed Osable, Hussein Osable, Ifran Jimale, Layla Jimale, Mohamed Jimale, Paul Bel George, Chue Hang, Tong Thao Hang, Rexhep Krasniqi, Tou Lor, Mai Moua Vue, Arif Metushi, Wa Her Moua, Mee Yang, John Schroeder, Judy Schroeder, Berhane Tesfai, Dual Cykao Thao, Xong Thao Yang, Kou Thao, Yang Xiong, Kevin Vilavong, Chong Xiong, Ko S. Xiong, Blia Yang, Ying Cheng, Chang Yang, Choua Lor, Mai Blia Yang, Pang Yang, Lue Her, for themselves and all other persons similarly situated as franchisees of Jani-King of Minnesota, Inc. and Jani-King International, Inc.,

Plaintiffs,

v.

Jani-King of Minnesota, Inc., a Texas Corporation,  
Jani-King International, Inc., a Texas Corporation,  
George Selman, a Minnesota resident, and Steve Schmidt, a Minnesota resident,

Defendants.

**ORDER**

Civil No. 08-4942 ADM/JSM

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Thomas W. Pahl, Esq., Foley & Mansfield, PLLP, Minneapolis, MN, appeared on behalf of Plaintiffs.

Kerry L. Bundy, Esq., and Aaron D. Van Oort, Esq., Faegre & Benson, LLP, Minneapolis, MN, appeared on behalf of Defendants.

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On January 27, 2009, the undersigned United States District Judge issued an Order

[Docket No. 48] granting Defendants' Jani-King of Minnesota, Inc.; Jani-King International, Inc.; George Selman ("Selman"); and Steve Schmidt ("Schmidt") (collectively "Defendants") Motion for Partial Judgment on the Pleadings [Docket No. 27]. Plaintiffs' counsel has since informed the Court that the January 27, 2009 Order mistakenly transposed the causes of action of the claims in Counts VII and VIII of the Complaint. The purpose of this order is to correct that clerical error. The January 27, 2009 Order is hereby amended to correctly identify Count VII as being claims under the Minnesota Consumer Fraud Act and Count VIII as being claims under the Minnesota False Statement in Advertising Act. Consequently, and consistent with the discussion of those claims in the body of the Opinion, Count VII (Minnesota Consumer Fraud Act) is dismissed with prejudice and Count VIII (Minnesota False Statement in Advertising Act) is dismissed without prejudice.

Also, the January 27, 2009 Order provides that the dismissal of Plaintiffs' common law fraud claims and the claims under the Minnesota False Statement in Advertising Act is without prejudice to filing an amended complaint. It is hereby ordered that Plaintiffs file an amended complaint by February 17, 2009.

BY THE COURT:

                  s/Ann D. Montgomery                    
ANN D. MONTGOMERY  
U.S. DISTRICT JUDGE

Dated: February 2, 2009.