

UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF MISSOURI
 EASTERN DIVISION

RAYMOND GRAY, <i>On Behalf of Himself</i>)	
<i>and all others Similarly Situated,</i>)	
)	
Plaintiff,)	
)	
v.)	Case No. 12CV586 HEA
)	
EMERSON ELECTRIC CO., <i>et al.</i> ,)	
)	
Defendants,)	

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Defendant Emerson Electric Co.’s Motion to Dismiss Count IV (Unjust Enrichment) of Plaintiffs’ Amended Complaint, [Doc. No. 18]. For the reasons set forth below, the Motion is denied, as moot.

On August 15, 2012, this action was transferred to a Multi-District Litigation action before the undersigned United States District Court. *In re: Emerson Electric Co. Wet/Dry Vac Marketing and Sales Practices Litigation*, Cause Number: 4:12md2382 HEA. On October 10, 2012, the Court ordered all pleadings and documents to be filed in the Multi-District Litigation case, however, the instant motion to dismiss was filed previously to this Order.

The Motion to Dismiss the Unjust Enrichment count was with respect to Plaintiff’s Amended Complaint. This Motion is moot because Plaintiffs’ have

filed a Consolidated Amended Complaint in the Multi-District Case, and Defendant has subsequently filed a Motion to Dismiss the Unjust Enrichment Count which is contained in the Consolidated Amended Complaint. The parties have recently briefed the issues, and the matter is now before the Court in the proper case and in the proper posture for ruling.

Accordingly,

IT IS HEREBY ORDERED that Defendant Emerson Electric Co.'s Motion to Dismiss Count IV (Unjust Enrichment) of Plaintiffs' Amended Complaint, [Doc. No. 18], is denied, as moot.

Dated this 27th day of January, 2014.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE