

[Docket Nos. 95, 105, & 110]

UNITED STATES DISTRICT COURT
 DISTRICT OF NEW JERSEY
 CAMDEN VICINAGE

	:	
LINDA FRANULOVIC,	:	Civil Action No. 07-0539(RMB)
	:	
Plaintiff,	:	
	:	
v.	:	ORDER
	:	
THE COCA-COLA COMPANY,	:	
	:	
Defendant.	:	
	:	

THIS MATTER coming before the COURT upon a motion by the plaintiff, Linda Franulovic, (the "Plaintiff") for class certification pursuant to Federal Rule of Civil Procedure 23(a) and (b)(2); a cross-motion by the defendant, the Coca-Cola Company, (the "Defendant") for summary judgment pursuant to Federal Rule of Civil Procedure 56(a); and a subsequent cross-motion by Plaintiff for a continuance pursuant to Federal Rule of Civil Procedure 56(f); and

THE COURT having reviewed the parties' written submissions and having heard oral argument on the motions on March 20, 2009, and

FOR THE REASONS set forth in the OPINION issued this date; it is, on this, the 16th day of April 2009, hereby

ORDERED that the motion for a continuance is **DENIED** [Docket No. 110]; and it is further

ORDERED that the motion for summary judgment [Docket No. 105] is **GRANTED**, and as the only claim properly pled in the complaint is dismissed on summary judgment, the complaint is **DISMISSED WITHOUT PREJUDICE**; and it is further

ORDERED that the motion for class certification is **DENIED AS MOOT** [Docket No. 95]; and it is further

ORDERED that Plaintiff may, consistent with the accompanying **OPINION**, **MOVE TO ALTER** the judgment pursuant to Federal Rule of Civil Procedure 59(e) or 60(b) and **MOVE TO AMEND** the complaint pursuant to Federal Rule of Civil Procedure 15(a) and Local Civil Rule 7.1(f); and it is finally

ORDERED that the CLERK OF THE COURT shall **CLOSE** this file.

s/Renée Marie Bumb
RENÉE MARIE BUMB
UNITED STATES DISTRICT JUDGE