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Attorneys for Plaintiff Linda Franulovic and the Class

**IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF NEW JERSEY**

Linda Franulovic , individually and on	§
Behalf of a class of persons,	§
	§
Plaintiff,	§
	§ Civil Action No. 1:07-cv-00539-RMB-JS
v.	§
	§
The Coca-Cola Company ,	§
	§
Defendant.	§

**NOTICE OF RULE 59(e) MOTION TO AMEND JUDGMENT
 TO ALLOW RULE 15(a) FILING OF AMENDED COMPLAINT**

TO: Gita F. Rothschild, Esquire
 Peter J. Boyer, Esquire
 McCarter & English, LLP
 Four Gateway Center
 100 Mulberry Street
 P.O. Box 652
 Newark, NJ 07102-0652

PLEASE TAKE NOTICE that on June 1, 2009, the undersigned, Mark R. Cuker, Esquire, of the law firm of WILLIAMS CUKER BEREZOFSKY, co-counsel for Plaintiff Linda Franulovic and the Class, shall make application before the United States District Court for the District of New Jersey pursuant to Federal Rules of Civil Procedure 59(e) and 15(a) for an Order amending the Court's April 16, 2009 Order granting Defendant's Motion for Summary Judgment and dismissing Plaintiff's Complaint without prejudice, and allowing Plaintiff to move to alter the judgment and amend the Complaint. In support of this Motion, the undersigned shall rely upon the attached Declaration submitted by Mark R. Cuker and appended exhibit, and the attached Memorandum of Law. A proposed form of Order is attached.

PLEASE TAKE FURTHER NOTICE that the within application is made upon the papers, and unless counsel for Defendant otherwise object, no oral argument is requested.

WILLIAMS CUKER BEREZOFSKY

Counsel for Plaintiff Linda Franulovic and the Class

By: /s/ Mark R. Cuker
Mark R. Cuker

Dated: April 30, 2009

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Notice of Rule 59(e) Motion to Amend Judgment to Allow Rule 15(a) Filing of Amended Complaint and all papers submitted in support thereof have been served upon Defendant via ECF upon the following counsel:

Gita F. Rothschild, Esquire
Peter J. Boyer, Esquire
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
P.O. Box 652
Newark, NJ 07102-0652

/s/ Mark R. Cuker
Mark R. Cuker

Dated: April 30, 2009

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Linda Franulovic, individually and on
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v.

The Coca-Cola Company,

Defendant.

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§ Civil Action No. 1:07-cv-00539-RMB-JS

**ORDER AMENDING JUDGMENT TO ALLOW
FILING OF AMENDED COMPLAINT**

THIS MATTER having come before the Court on the motion of Mark R. Cuker, Counsel for Plaintiff Linda Franulovic, and the Court having considered the motion papers and supporting Memorandum of Law, and the Court having found for good cause shown.

IT IS on this _____ day of _____, 2009;

ORDERED that the Court's Order of April 16, 2009 granting Defendant's Motion for Summary Judgment is hereby amended pursuant to Federal Rule of Civil Procedure 59(e), and Plaintiff is hereby granted leave pursuant to Federal Rule of Civil Procedure 15(a) to file a Fourth Amended Class Action Complaint within ten days of this Order.

U.S.D.C.J.

() Opposed

() Unopposed