

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

LINDA FRANULOVIC, on behalf
of herself and all others
similarly situated,

Plaintiff,

v.

THE COCA-COLA COMPANY,

Defendant.

Civil No. 07-539 (RMB)
[Docket Nos. 62 & 71]

ORDER

CATHERINE M. MELFI, on
behalf of herself and all
others similarly situated,

Plaintiff,

v.

THE COCA-COLA COMPANY,
NESTLE USA, INC., and
BEVERAGE PARTNERS WORLDWIDE,
N.A.,

Defendants.

Civil No. 07-828 (RMB)
[Docket Nos. 51 & 53]

ADAM SIMMENS, on behalf
of himself and all
others similarly situated,

Plaintiff,

v.

THE COCA-COLA COMPANY
NESTLE USA, INC., and
BEVERAGE PARTNERS WORLDWIDE,
N.A.,

Defendants.

Civil No. 07-3855 (RMB)
[Docket Nos. 60 & 71]

THIS MATTER having come before the Court upon several

motions: 1) Franulovic's motion to amend or correct a judgment to allow the filing of an Amended Complaint and, 2) Franulovic's motion for leave to file documents under seal; 3) Melfi's motion to amend or correct a judgment to allow the filing of an Amended Complaint and 4) Melfi's motion for reconsideration of this Court's order denying the appeal of Magistrate Judge Joel Schneider's discovery order as moot, 5) Simmens' motion for leave to file an Amended Complaint and 6) Simmens' appeal of Judge Schneider's discovery order; and the Court having reviewed the moving papers and the opposition thereto; and the Court having heard oral argument from the parties; and the Court noting that Franulovic withdrew the motion to seal on the record; and for the reasons stated on the record this date;

IT IS HEREBY **ORDERED** that Franulovic matter will be reopened; and

IT IS FURTHER **ORDERED** that Plaintiffs' motions for leave to amend are **denied without prejudice** - Plaintiffs in all three of the above-captioned matters will be given until April 14, 2008, to either file an amended complaint alleging a so-called "weight loss claim," as directed, or move for leave to file an amended complaint alleging, in addition to the approved weight-loss claim, a so-called "calorie burning" claim; and

IT IS FURTHER **ORDERED** that, if Plaintiffs file for leave to amend, that Defendants have until May 12, 2008, to respond, and Plaintiffs have until May 27 to reply; and

IT IS FURTHER **ORDERED** that if Plaintiffs do not file for leave to amend but file the amended complaints containing "weight-loss" claims only, that Defendants have until May 12, 2008, to respond; and

IT IS FURTHER **ORDERED** that Melfi's and Simmens' motions/appeals regarding discovery orders are **denied as moot** because discovery in the above-captioned matters is **stayed** pending further order of this Court and the prior discovery orders are hereby **vacated**.

Dated: March 10, 2008

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