

NOT FOR PUBLICATION

(Docket No. 8)

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

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FRANK MacWILLIAMS, trading as		:	
Edgewater Park Amoco and		:	
Mac's Amoco,		:	
		:	
Plaintiffs,		:	Civil No. 09-1844 (RBK /AMD)
		:	
v.		:	ORDER
		:	
BP PRODUCTS NORTH		:	
AMERICA, INC.,		:	
		:	
Defendant.		:	
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THIS MATTER having come before the Court upon a motion by BP Products North America, Inc. (“Defendant”) to dismiss the Complaint of Plaintiff Frank MacWilliams, trading as Edgewater Park Amoco and Mac’s Amoco, (“Plaintiff”) for failure to state a claim upon which relief can be granted pursuant to Federal Rule of Civil Procedure 12(b)(6); and the Court having reviewed the papers submitted by the parties, and for the reasons expressed in an Opinion issued this day;

IT IS HEREBY ORDERED that Defendant’s motion to dismiss Count One is **GRANTED**; and

IT IS FURTHER ORDERED that Defendant’s motion to dismiss Plaintiff’s claim for breach of the contract providing for End-of-Month Allowances is **GRANTED**; and

IT IS FURTHER ORDERED that Defendant's motion to dismiss Plaintiff's claim for breach of contract predicated on the failure to return Plaintiff's security deposit is **DENIED**; and

IT IS FURTHER ORDERED that Plaintiff is **GRANTED** leave to amend the Complaint in conformity with the Court's Opinion within ten days of the issuance of this Order.

Dated: 2-3-2010

/s/ Robert B. Kugler
ROBERT B. KUGLER
United States District Judge