

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

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STEVEN ROBINSON on behalf  
of himself and all others  
similarly situated,

Plaintiff,

v.

HORNELL BREWING CO., et  
al.,

Defendants.

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Civil No. 11-2183 (JBS-JS)

**ORDER**

This matter having come before the Court upon the motion of Defendants to dismiss Plaintiff's class action allegations [Docket Item 26]; for the reasons explained in the Memorandum Opinion of today's date; and for good cause shown;

IT IS this 12th day of **March, 2012** hereby

ORDERED that Defendants' motion is **DENIED** as follows: the motion is denied without prejudice as to Plaintiff's allegation that the matter is appropriate for class action under Fed. R. Civ. P. 23(b)(2); the motion is denied as moot as to Plaintiff's allegation that a class action is superior to other forms of adjudication under Fed. R. Civ. P. 23(b)(3); and it is further

ORDERED that the Court will hear oral argument on Plaintiff's motion to certify a class [Docket Item 41] on Tuesday, April 3, 2012, at 10:00 A.M. in Courtroom 4A.

s/ Jerome B. Simandle

JEROME B. SIMANDLE  
Chief U.S. District Judge