

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

STEVEN R. GOMES, JR. on behalf of himself
and all others similarly situated,

Plaintiff,

v.

EXTRA SPACE STORAGE, INC. and EXTRA
SPACE STORAGE MANAGEMENT, INC., and
JOHN DOE COMPANIES 1-50.

Defendants.

Civil No.: 13-0929 (KSH) (CLW)

Order

THIS MATTER having been presented to the Court by defendants Extra Space Storage, Inc. and Extra Space Management, Inc. (collectively, “defendants”) seeking an order dismissing the first, second, and fourth counts of the first amended complaint (“FAC”); and the Court having considered the parties’ submissions and for the reasons set forth in the opinion filed herewith,

IT IS on this 31st day of March 2015, hereby

ORDERED that defendants’ motion to dismiss the fourth count, paragraph 79(d) of the first count, and paragraph 80(b) of the second count is **GRANTED**; and it is further

ORDERED that defendants’ motion to dismiss paragraphs 69(a), (b), (c), and (e) and paragraphs 72, 73, and 75 of the first count, and paragraphs 80(c) and (e) of the second count, is **DENIED**; and it is further

ORDERED that defendants' motion to dismiss the first and second counts of the FAC on grounds of unconstitutionality is DENIED.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.