

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

FREIGHTMASTER USA, LLC,

Plaintiff,

v.

FEDEX, INC.,

Defendant.

Civil No.: 14-3229 (KSH) (CLW)

Order

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

THIS MATTER having come before the Court upon the motion to dismiss [D.E. 5] filed by defendant FedEx Freight, Inc. (improperly pled as “Fedex, Inc.”); and for the reasons set forth in the opinion filed herewith,

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

ORDERED that the motion to dismiss counts 3 and 5 is granted; and it is further

ORDERED that the motion to dismiss for insufficient service and service of process, the Entire Controversy Doctrine, and the statute of limitations is denied; and it is further

ORDERED that plaintiff Freightmaster USA, LLC, shall have 15 days from the entry of this order to re-serve defendant FedEx Freight, Inc. in accordance with Federal Rules of Civil Procedure.

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