

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHEET METAL WORKERS	:	
LOCAL 441 HEALTH & WELFARE	:	
PLAN, et al,	:	
Plaintiffs	:	CIVIL ACTION
	:	
v.	:	NO. 04-5898
	:	
GLAXOSMITHKLINE, PLC, et al,	:	
Defendants	:	

ORDER

STENGEL, J.

AND NOW, this 7th day of September, 2010, IT IS **HEREBY ORDERED** that upon consideration of Defendants’ motion to dismiss plaintiffs’ second amended class action complaint (Document #249), plaintiffs’ response thereto (Document # 252) and defendants’ reply to plaintiffs’ response (Document # 256), IT IS **HEREBY ORDERED** that the motion is **GRANTED** in part and **DENIED** in part as follows:

1. The motion to dismiss plaintiffs’ antitrust claims under the laws of the following states is **GRANTED**: California, New York.
2. The motion to dismiss plaintiffs’ antitrust claims under the laws of the following states is **DENIED**: Arizona, Florida (as moot), Massachusetts (as moot), Michigan, Minnesota, Nevada, North Carolina, West Virginia, Wisconsin.
3. The motion to dismiss plaintiffs’ consumer protection claims under the laws of the following states is **GRANTED**: Arizona, Colorado, Idaho, Massachusetts, Michigan, Nevada, New York, Oklahoma, Rhode Island.

4. The motion to dismiss plaintiffs' consumer protection claims under the laws of the following states is DENIED: Arkansas, California, Florida, Minnesota, Missouri, North Carolina, Pennsylvania.
5. The motion to dismiss plaintiffs' unjust enrichment claims under the laws of the following states is GRANTED: Alabama, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Kentucky, Louisiana, New York, Oklahoma, Rhode Island, Tennessee, Texas.
6. The motion to dismiss plaintiffs' unjust enrichment claims under the laws of the following states is DENIED: Iowa, Massachusetts, Michigan, Minnesota, Missouri, Nevada, North Carolina, Pennsylvania, West Virginia, Wisconsin.

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.
