

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

IN RE FLONASE ANTITRUST LITIGATION	:	
	:	CIVIL ACTION
	:	
THIS DOCUMENT RELATES TO	:	NO. 08-CV-3301
	:	
Indirect Purchasers	:	
	:	
	:	
	:	

**ORDER**

**AND NOW**, this \_\_21st\_\_ day of January, 2010, it is ORDERED:

- Defendant’s motion to dismiss named plaintiff Painters’ monopolization claim under Arizona law is DENIED.
- Defendant’s motion to dismiss named plaintiff Painters’ monopolization claim under Iowa law is DENIED.
- Defendant’s motion to dismiss named plaintiff IABORI’s monopolization claim under North Carolina law is DENIED.
- Defendant’s motion to dismiss named plaintiff Painters’ monopolization claim under Wisconsin law is DENIED.
- Defendant’s motion to dismiss named plaintiff Painters’ unfair and deceptive trade practices claim under Arizona law is GRANTED without prejudice. Plaintiffs may submit

a Third Amended Complaint containing appropriate allegations on or before February 1, 2010.

- Defendant's motion to dismiss named plaintiffs AFL, IBEW and Sheet Metal's unfair and deceptive trade practice claims under Florida law is DENIED.
- Defendant's motion to dismiss named plaintiff Painters' unfair and deceptive trade practices claim under Illinois law is GRANTED.
- Defendant's motion to dismiss named plaintiff Painters' unfair and deceptive trade practices claim under Iowa law is GRANTED.
- Defendant's motion to dismiss named plaintiff Kehoe's unfair and deceptive trade practices claim under Massachusetts law is GRANTED without prejudice. Plaintiffs may file a Third Amended Complaint that meets the demand requirements of Massachusetts General Law Chapter 93A on or before February 1, 2010.
- Defendant's motion to dismiss named plaintiff IABORI's unfair and deceptive trade practices claim under North Carolina law is DENIED.
- Defendant's motion to dismiss named plaintiff Painters' unjust enrichment claim under Arizona law is DENIED.
- Defendant's motion to dismiss named plaintiffs AFL, IBEW, and Sheet Metal's unjust enrichment claims under Florida law is GRANTED.
- Defendant's motion to dismiss named plaintiff Painters' unjust enrichment claim under Illinois law is GRANTED.
- Defendant's motion to dismiss named plaintiff Painters' unjust enrichment claim under Iowa law is DENIED.

- Defendant's motion to dismiss named plaintiff Kehoe's unjust enrichment claim under Massachusetts law is DENIED.
- Defendant's motion to dismiss named plaintiff IABORI's unjust enrichment claim under North Carolina law is GRANTED.
- Defendant's motion to dismiss named plaintiff Painters' unjust enrichment claim under Wisconsin law is DENIED.

s/Anita B. Brody

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ANITA B. BRODY, J.

Copies **VIA ECF** on \_\_\_\_\_ to:

Copies **MAILED** on \_\_\_\_\_ to: