

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

ROCKSON NIMLEY, on behalf of	:	CIVIL ACTION
himself and all others	:	
similarly situated	:	
	:	
v.	:	
	:	
PTT PHONE CARDS INC.	:	
d/b/a STAR PINLESS	:	NO. 13-2216

ORDER

AND NOW, this 14th day of April, 2014, upon consideration of Defendant's Notice of Motion to Dismiss Plaintiff's Complaint Under Rule 12(b)(6) and 12(f) (Docket No. 9), and the opposition and reply thereto, IT IS HEREBY ORDERED, for the reasons stated in a memorandum of law bearing today's date, that the defendant's motion is GRANTED.¹ This case is dismissed.

The plaintiff's breach of implied-in-fact contract and unjust enrichment claims are dismissed with prejudice.

The plaintiff's claim under the New Jersey Consumer Fraud Act is dismissed without prejudice. The plaintiff may

¹ To the extent the defendant has moved to strike the class allegations, the Court denies that motion as moot.

file an amended complaint to re-plead the claim dismissed
without prejudice within 30 days of the date of this Order.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.