

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

JOHN SULLICK,
Plaintiff,

CIVIL ACTION

v.

**UNITED PET GROUP, INC., doing
business as “MARINELAND,” also known
as “MARINELAND AQUARIUM
PRODUCTS,”
TETRA HOLDINGS(US), INC., trading as
“PERFECTO MANUFACTURING, INC.,”
NEWA TECNO INDUSTRIA, SRL, and
WORLDWIDE AQUARIUM & PET
CENTER,
Defendants.**

NO. 14-2950

**ALLSTATE INSURANCE COMPANY, as
subrogee of BURTON JENKINS,
Plaintiff,**

CIVIL ACTION

v.

**UNITED PET GROUP, INC., doing
business as “MARINELAND,” also known
as “MARINELAND AQUARIUM
PRODUCTS,”
TETRA HOLDINGS (US), INC., trading as
“PERFECTO MANUFACTURING, INC.,”
WORLDWIDE AQUARIUM & PET
CENTER, and
NEWA TECNO INDUSTRIA, SRL
Defendants.**

NO. 14-5162

ORDER

AND NOW, this 12th day of June, 2015, upon consideration of Defendant NEWA Tecno Industria, S.R.L.’s Motion to Dismiss Plaintiff’s First Amended Complaint and Defendant United Pet Group, Inc.’s Crossclaims for Lack of Personal Jurisdiction (“Motion to Dismiss”) (Document No. 21, filed December 17, 2014); Response of United Pet Group, Inc., Incorrectly

Named as Separate Defendants United Pet Group, Inc. d/b/a Marineland a/k/a Marineland Aquarium Products and Tetra Holdings (US), Inc. t/a Perfecto Manufacturing, Inc. in Opposition to Defendant NEWA Tecno Industria, SRL's Motion to Dismiss (Document No. 25, filed December 31, 2014); Plaintiff's Response and Joinder in Defendant United Pet Group's Opposition to Defendant, NEWA Tecno Industria, S.R.L.'s Motion to Dismiss Plaintiff's First Amended Complaint and Defendant United Pet Group, Inc.'s Crossclaims for Lack of Personal Jurisdiction (Document No. 27, filed December 31, 2014); Reply Memorandum of Law in Further Support of Defendant NEWA Tecno Industria, S.R.L.'s Motion to Dismiss Plaintiff's First Amended Complaint and Defendant United Pet Group, Inc.'s Crossclaims for Lack of Personal Jurisdiction (Document No. 28, filed January 9, 2015); Sur-Reply of Defendant United Pet Group, Inc., Incorrectly Named as Separate Defendants United Pet Group, Inc. d/b/a Marineland a/k/a Marineland Aquarium Products and Tetra Holdings (US), Inc. t/a Perfecto Manufacturing, Inc. to Defendant NEWA Tecno Industria, SRL's Reply Memorandum of Law in Support of Motion to Dismiss (Document No. 35, filed March 16, 2015); and Plaintiff's Joinder in Defendant United Pet Group's Sur-Reply to Defendant, NEWA Tecno Industria, S.R.L.'s Motion to Dismiss Plaintiff's First Amended Complaint and Defendant United Pet Group's Crossclaims for Lack of Personal Jurisdiction (Document No. 36, filed March 18, 2015),¹ for the reasons set forth in the accompanying Memorandum dated June 12, 2015, **IT IS ORDERED** that defendant NEWA Tecno Industria, S.R.L.'s Motion to Dismiss is **DENIED**.

¹ By stipulation and order dated March 30, 2015, Allstate Insurance Company, plaintiff in the consolidated action (Civil Action No. 14-5162), and defendant NEWA Tecno Industria, S.R.L. ("NEWA") agreed to incorporate NEWA's Motion to Dismiss and all related briefing from the *Sullick* action (Civil Action No. 14-2950) in the consolidated action, and stipulated that no further briefing would be submitted on this issue.

IT IS FURTHER ORDERED that a preliminary pretrial telephone conference will be scheduled in due course. Discovery shall proceed in the interim.

BY THE COURT:

/s/ Hon. Jan E. DuBois
DuBOIS, JAN E., J.