

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

AOZORA NEW ZEALAND LTD.,

Plaintiff,

v.

FRU-VEG MARKETING, INC.,

Defendant.

CIVIL ACTION  
NO. 17-02594**ORDER**

**AND NOW**, this 29th day of March 2018, upon consideration of the Amended Complaint (Doc. No. 7), the Motion to Dismiss the Amended Complaint (Doc. No. 9), Plaintiff's Response in Opposition (Doc. No. 10), Defendants' Reply (Doc. No. 68), the arguments of counsel at the hearing on the Motion to Dismiss held before the Court on October 4, 2017 (Doc. No. 13), Plaintiff's supplemental brief in further opposition to the Motion to Dismiss (Doc. No. 14), Defendant's supplemental brief in support of its Motion to Dismiss (Doc. No. 15), Plaintiff's supplemental reply brief (Doc. No. 16), and in accordance with the Court's Opinion issued this day, it is **ORDERED** that:

1. Defendant's Motion to Dismiss Motion to Dismiss the Amended Complaint (Doc. No. 9) is **DENIED**;
2. Defendant has twenty-one (21) days from the date of this Order in which to file an Answer to the Amended Complaint.

BY THE COURT:

  
JOEL H. SLOMSKY, J.