

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

ELAINE RICE, ALEX KUKICH,
ERIKA MENDOZA, and JAMES
HUNT, Individually, and on behalf of
all others similarly situated,

Plaintiffs,

v.

ELECTROLUX HOME PRODUCTS,
INC.; LOWE'S HOME CENTERS,
LLC; MODESTO DIRECT
APPLIANCE, INC.; and ABC
CORP. 1-10,

Defendants.

No. 4:15-CV-00371

(Judge Brann)

ORDER

AND NOW, this 13th day of August 2020, in accordance with the
accompanying Memorandum Opinion, **IT IS HEREBY ORDERED** that:

1. Plaintiffs' Motion for Partial Reconsideration, Or, In the Alternative,
For Interlocutory Appeal Pursuant To 28 U.S.C. § 1292(b), Doc. 250,
is **GRANTED IN PART AND DENIED IN PART**.
2. The Court reconsiders its January 15, 2020 decision to dismiss with
prejudice Plaintiffs Erika Mendoza and James Hunt's First and
Second Causes of Action. To the extent that these Causes of Actions
are not asserted against Defendant Midea Microwave and Electrical

Appliances Manufactured Company, Limited and against Defendant Sharp Appliances Thailand Limited, these Causes of Action are reinstated and dismissed without prejudice. Plaintiffs may amend their complaint and assert these Causes of Action again. Plaintiffs may file their amended complaint by August 27, 2020.

3. The Court reconsiders its January 15, 2020 decision to dismiss with prejudice Plaintiffs Erika Mendoza and James Hunt's three Causes of Action as asserted against Defendant Midea Microwave and Electrical Appliances Manufactured Company, Limited and against Defendant Sharp Appliances Thailand Limited. These claims are reinstated for the purpose of retransfer.
4. Mendoza and Hunt's entire Action is retransferred to the Eastern District of California.
5. The Court reconsiders its January 15, 2020 decision to dismiss with prejudice Plaintiff Dean Mauro's First Cause of Action as asserted against Defendants Electrolux Home Products, Inc. and Lowe's Home Centers, LLC. This Cause of Action is reinstated and dismissed without prejudice. Plaintiffs may amend their complaint and assert this Cause of Action again as against Defendants Electrolux Home Products, Inc. and Lowe's Home Centers, LLC.

6. With respect to the Court's reconsideration of Plaintiff Mauro's First Cause of Action, Plaintiffs may file their amended complaint by August 27, 2020. If no amended complaint is filed by that date, the action will be summarily dismissed pursuant to Fed. R. Civ. P. 41(b).
7. For the avoidance of doubt, all other aspects of relief that Plaintiffs have raised in their Motion for Partial Reconsideration, Or, In the Alternative, For Interlocutory Appeal are **DENIED**.
8. Plaintiffs' Motion Pursuant to Federal Rule of Civil Procedure 60(b) Seeking Relief From This Court's Final Order Dismissing Plaintiff Rice's Tort-Based Claims With Prejudice, Doc. 264, is **DENIED**.
9. Plaintiff Elaine Rice's Seventh Cause of Action is **DISMISSED WITH PREJUDICE** to the extent that this claim is for pure economic loss.
10. The Court's January 15, 2020 Order, Doc. 248, is **VACATED** to the extent that it is inconsistent with the above.

IT IS FURTHER ORDERED that the caption is amended as follows:

ELAINE RICE, ALEX KUKICH,
and DEAN MAURO, Individually,
and on behalf of all others similarly
situated,

Plaintiffs,

v.

ELECTROLUX HOME PRODUCTS,
INC.; LOWE'S HOME CENTERS,
LLC; MODESTO DIRECT
APPLIANCE, INC.; and ABC
CORP. 1-10,

Defendants.

No. 4:15-CV-00371

(Judge Brann)

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
United States District Judge