

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**JAMES BEARDEN AND SHEILA BEARDEN,)
individually and on behalf of all others similarly)
situated,)**

Plaintiffs,)

v.)

HONEYWELL INTERNATIONAL INC.,)

Defendant.)

**Case No. 3:09-01035
Judge Trauger**

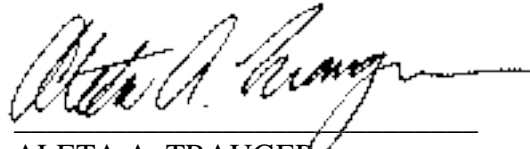
ORDER

For the reasons expressed in the accompanying Memorandum, the Motion to Strike the Class Allegations and Motion to Dismiss the First Amended Complaint filed by defendant Honeywell International Inc. (Docket No. 27) is **GRANTED IN PART** and **DENIED IN PART**. The plaintiffs’ individual Magnuson-Moss Warranty Act claim will be **DISMISSED** without prejudice. Class allegations regarding the Magnuson-Moss claim and the unjust enrichment claim will be **STRICKEN** with prejudice. The court will strike the following material from the First Amended Complaint (Docket No. 26): the entirety of Paragraphs 198, 202, 208, and 211; the phrase “and the Class” from Paragraphs 199 and 209; the phrase “and the Class members” from Paragraphs 212-14; and the phrase “from the Class members” from Paragraph 215.

The plaintiffs are granted leave to file an amended complaint within seven days of this Order, to which the defendant shall respond within 14 days of the plaintiffs’ filing.

It is so Ordered.

Entered this 14th day of June 2010.

A handwritten signature in black ink, appearing to read "Aleta A. Trauger", written over a horizontal line.

ALETA A. TRAUGER
United States District Judge