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.) Case No. 3:09-01035
) Judge Trauger
HONEYWELL INTERNATIONAL INC.,)
)
Defendant.	,)
ORDE	D

<u>OKDEK</u>

For the reasons expressed in the accompanying Memorandum, the Motion to Strike Class Allegations and to Dismiss filed by defendant Honeywell International Inc. (Docket No. 41) is **GRANTED IN PART** and **DENIED IN PART**. Count V of the Second Amended Complaint (Docket No. 39) is hereby **DISMISSED**. Count IX of the Second Amended Complaint may not be maintained on behalf of the putative class, and the following material is hereby **STRICKEN** from that count: the entirety of Paragraph 212; the phrase "and other members of the Class" from Paragraph 216; and the phrase "and Class members" from Paragraphs 217-19.

The plaintiffs will not be granted leave to further amend their complaint. A Case Management Conference will be held in Judge Trauger's chambers on September 10, 2010 at 1:30 p.m.

It is so Ordered.

Entered this 16th day of August 2010.

ALETA A. TRAUGER United States District Judge