

IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

IN RE: LUMBER LIQUIDATORS )  
CHINESE-MANUFACTURED FLOORING )  
DURABILITY MARKETING AND SALES ) MDL No. 1:16md2743 (AJT/TRJ)  
PRACTICE LITIGATION )  
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This Document Relates to ALL Cases

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**ORDER**

(Defendant’s Motion to Dismiss Plaintiffs’ Representative Class Action Complaint)

Presently pending before the Court is Defendant Lumber Liquidators, Inc.’s “Motion to Dismiss the Representative Class Action Complaint” [Doc. No. 53] (the “Motion”). Upon consideration of the Motion, the memoranda of law in support thereof and in opposition thereto, the arguments of counsel at the hearing held on June 12, 2017, and for the reasons stated in the accompanying Memorandum Opinion [Doc. No. 83], it is hereby


ORDERED that Defendant’s be, and the same hereby is, GRANTED in part and DENIED in part. The Motion is:

1. GRANTED as to all Plaintiffs’ claims for breach of implied warranty (Count I);
2. GRANTED as to Alabama Plaintiff Erin Florez’s claim for fraudulent concealment (Count II);
3. GRANTED as to Virginia Plaintiff Logan Perel’s claim for breach of written warranty under the Magnuson-Moss Warranty Act (Count III);
4. GRANTED as to California Plaintiff Jim Moylen’s claim for damages under the California Legal Remedies Act (Count VI); and
5. GRANTED as to Alabama Plaintiff Erin Florez’s claim under the Alabama Deceptive Trade Practices Act (Count VII); and
6. DENIED as to all other claims.

Accordingly, Counts I and VII are DISMISSED. The proceedings will continue as to Counts II, III, IV, V, VI, VIII, IX, and X; and it is further

ORDERED that any non-representative Plaintiffs who have brought individual claims that have been consolidated in this district under the Transfer Order of the United States Judicial Panel on Multidistrict Litigation [Doc. No. 3] file any objections to the Court's Memorandum Opinion [Doc. No. 83] and this Order based on materially different legal or factual circumstances no later than thirty (30) days after the date of this Order; barring such objection, the rulings the Court has made on Defendant's Motion to Dismiss will apply to all claims asserted in each Plaintiff's complaint.

The Clerk is directed to forward a copy of this Order to all counsel of record.



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s/  
Anthony J. Trenga  
United States District Judge

Alexandria, Virginia  
July 7, 2017