

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

JESSE CROWELL, et al., on behalf of)	
themselves and all other similarly situated,)	
)	
Plaintiffs,)	
)	C.A. No. 23-13 (MN)
v.)	
)	
FCA US LLC,)	
)	
Defendant.)	

ORDER

At Wilmington, this 27th day of September 2024 for the reasons set forth in the Memorandum Opinion issued on this date, IT IS HEREBY ORDERED that:

1. FCA US LLC's Objections to Magistrate's July 30, 2024 Report and Recommendation (D.I. 67) are OVERRULED-IN-PART and SUSTAINED-IN-PART.

2. The July 30, 2024 Report and Recommendation (D.I. 66) is ADOPTED-IN-PART and REJECTED-IN-PART.

3. FCA US LLC's Motion to Dismiss Plaintiffs' Consolidated Amended Class Action Complaint (D.I. 52) is GRANTED-IN-PART and DENIED-IN-PART as set forth in the below table:

COUNT	RULING
Count I (Common Law Fraud by Omission)	DENY
Count II (Common Law Fraud – Affirmative Misrepresentation)	GRANT
Count III (Equitable Injunctive and Declaratory Relief - Maryland)	DENY

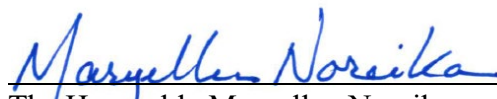
COUNT	RULING
Count IV (Maryland Consumer Protection Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count V (Michigan Consumer Protection Act)	GRANT
Count VI (Common Law Breach of Implied Warranty)	DENY
Count VII (Magnuson-Moss Warranty Act)	GRANT
Count VIII (Breach of Express Warranty)	GRANT
Count IX (Unjust Enrichment / Restitution)	DENY
Count X (New York General Business Law § 349)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XII ¹ (New York General Business Law § 350)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XIII (Minnesota Prevention of Consumer Fraud Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XIV (Iowa Private Right of Action for the Consumer Frauds Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XV (Montana Unfair Trade Practices and Consumer Protection Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XVI (Georgia's Fair Business Practices Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XVII (Georgia's Uniform Deceptive Trade Practices Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.

¹ The operative complaint skips directly from Count X to Count XII. There is no Count XI in the operative complaint. (D.I. 49).

COUNT	RULING
Count XVIII (Breach of Implied Warranty – Georgia)	DENY
Count XIX (Ohio’s Consumer Sales Practices Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XX (Implied Warranty in Tort – Ohio)	DENY
Count XXI (Breach of Implied Warranty – Pennsylvania)	DENY
Count XXII (Pennsylvania Unfair Trade Practices & Consumer Protection)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXIII (California Consumer Legal Remedies Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXIV (California Unfair Competition Law)	GRANT
Count XXV (California False Advertising Law)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXVI (Colorado Consumer Protection Act)	GRANT to the extent it asserts an affirmative misrepresentation and/or seeks monetary relief; DENY in all other respects.
Count XXVII (New Hampshire Consumer Protection Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXVIII (Oregon Unlawful Trade Practices Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXIX (Wisconsin Deceptive Trade Practices Act)	GRANT
Count XXX (Nebraska Consumer Protection Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.

COUNT	RULING
Count XXXI (Massachusetts Deceptive Acts or Practices)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXXII (Vermont Consumer Protection Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXXIII (Illinois Consumer Fraud and Deceptive Business Practices)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXXIV (New Jersey Consumer Fraud Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXXV (Connecticut Trade Practices Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.
Count XXXVI (Washington Consumer Protection Act)	GRANT to the extent it asserts an affirmative misrepresentation; DENY in all other respects.

4. As such, Counts II, V, VII, VIII, XXIV and XXIX of the Consolidated Amended Class Action Complaint (D.I. 49) are DISMISSED in their entirety and Counts IV, X, XII, XIII, XIV, XV, XVI, XVII, XIX, XXII, XXIII, XXV, XXVI, XXVII, XXVIII, XXX, XXXI, XXXII, XXXIII, XXXIV, XXXV, and XXXVI are DISMISSED to the extent they assert affirmative misrepresentations.


 The Honorable Maryellen Noreika
 United States District Judge