

CHAMBERS OF HON. JED S. RAKOFF  
UNITED STATES DISTRICT COURT  
UNITED STATES COURTHOUSE  
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FROM: Rachel Wainer Apter, Law Clerk

DATE: November 5, 2007

RE: Johnson & Johnson v. The American National Red Cross, et al., 07 Civ 7061 (JSR)

PAGES: 3 (including cover)

MESSAGE: Please see attached.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
JOHNSON & JOHNSON and JOHNSON &  
JOHNSON CONSUMER COMPANIES, INC.,

Plaintiffs,

-v-

THE AMERICAN NATIONAL RED CROSS,  
LEARNING CURVE INTERNATIONAL, INC.,  
MAGLA PRODUCTS, LLC, WATER-JEL  
TECHNOLOGIES, INC., and FIRST AID  
ONLY, INC.,

Defendants.  
----- X

07 Civ. 7061 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.

Defendants move pursuant to Fed. R. Civ. P. 12(b)(6) to dismiss the First, Second, Fourth, Seventh, and Eighth Claims of plaintiffs' First Amended Complaint. For reasons that will be explained in a subsequent Memorandum that will issue in due course, the Fourth Claim, alleging promissory estoppel, is hereby dismissed with prejudice, and the First Claim, alleging tortious interference with prospective economic advantage, is hereby deemed limited to interference with plaintiffs' economic relations with those customers identified by name at page 8 of Plaintiffs' Memorandum of Law In Opposition to Defendants' Partial Motion to Dismiss, namely, Target, Wal-Mart, Walgreens, and CVS. In all other respects, the motion is denied.

SO ORDERED.

  
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JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
November 5, 2007