

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

YASMIN EXCEVARRIA, JOETTE PHOENIX, *on  
behalf of themselves, all others similarly situated, and  
the general public,*

Plaintiffs,

-against-

DR. PEPPER SNAPPLE GROUP INC.,  
DR. PEPPER/SEVEN UP, INC.,

Defendants.

ORDER

17 Civ. 7957 (GBD)

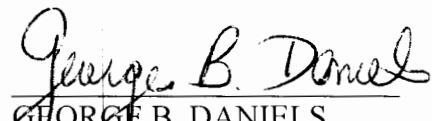
APR 18 2018

GEORGE B. DANIELS, United States District Judge:

For the reasons articulated by the Court at the April 18, 2018 oral argument, and consistent with the decisions in *Becerra v. Coca-Cola Company*, No. 17 Civ. 5916 (WHA) (N.D. Cal. Feb. 27, 2018), and *Becerra v. Dr. Pepper/Seven Up, Inc.*, No. 17 Civ. 5921 (WHO) (N.D. Cal. Mar. 30, 2018), Defendants' motion to transfer this action to the United States District Court for the Eastern District of Texas (ECF No. 32) is DENIED. Defendants' motion to dismiss Plaintiffs' complaint (ECF No. 34) is GRANTED. Plaintiffs may seek leave to amend the complaint by May 18, 2018. The Clerk of Court is directed to close the motions at ECF Nos. 32 and 34, accordingly.

Dated: New York, New York  
April 18, 2018

SO ORDERED.

  
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GEORGE B. DANIELS  
United States District Judge