

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

MARK NEUSER and ARLAN and  
MARCIA HINKLEMANN, individually  
and on behalf Wisconsin  
residents similarly situated,

Plaintiffs,

v.

MEMORANDUM AND ORDER  
06-C-645-S

CARRIER CORPORATION,

Defendant.

---

Plaintiff Mark Neuser commenced this products liability class action alleging that defendant Carrier Corporation manufactures and sells high efficiency furnaces with defective secondary heat exchangers. Plaintiff alleged claims for negligence, fraud and misrepresentation, violation of Wisconsin's deceptive and unfair trade practices law, breach of warranty and unjust enrichment. Plaintiffs now move to file a third amended complaint eliminating all prior claims except for a single claim for fraudulent inducement to purchase. Plaintiffs' motion to certify the class has also been fully briefed. Defendant does not oppose the motion to amend, but seeks an opportunity to file a surreply brief to the motion for class certification based on the impact of the amendment on that motion.

Mark Neuser, et al. v. Carrier Corporation  
Case No. 06-C-645-S

ORDER

IT IS ORDERED that Plaintiffs' motion to file a third amended complaint is GRANTED.

IT IS FURTHER ORDERED that defendant may file a surreply brief to plaintiffs' motion for class certification not later than April 4, 2007.

Entered this 28th day of March, 2007.

BY THE COURT:

S/

---

JOHN C. SHABAZ  
District Judge