

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS**

**MELISA GONZALEZ, individually  
and on behalf of a class and subclass  
of similarly situated persons, et al.,**

**Plaintiffs,**

**v.**

**PEPSICO, INC., et al.,**

**Defendants.**

**CIVIL ACTION**

**No. 06-2163-KHV**

**ORDER**

MeLisa Gonzalez, Mark Haley, Linda Haley, Jenifer Noel Guth, Ryan James Coffelt and Richard Hernandez bring suit against PepsiCo, Inc., Sunny Delight Beverages Co., Rockstar, Inc., Coca-Cola Enterprises, Inc. and John Doe Companies six through 100. Plaintiffs allege breach of the implied warranty of merchantability under Article II of the Kansas Uniform Commercial Code, K.S.A. § 84-2-101 et seq. (Count I), unfair trade practices under the Kansas Consumer Protection Act (“KCPA”), K.S.A. § 50-623 et seq. (Count II), and unjust enrichment (Count III). On May 24, 2007, the Court ordered plaintiffs to show good cause in writing on or before June 8, 2007, why it should not dismiss for failure to plead with particularity their KCPA claim against the John Doe defendants. See Memorandum And Order And Order To Show Cause (Doc. #78) at 20 n.13. Plaintiffs have not responded. Accordingly, for substantially the reasons set forth in its previous order, the Court dismisses plaintiffs’ KCPA claim against John Doe Companies six through 100.

**IT IS SO ORDERED.**

Dated this 13th day of June, 2007 at Kansas City, Kansas.

s/ Kathryn H. Vratil  
Kathryn H. Vratil  
United States District Judge