

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JACQUELINE WILKINS, *individually, and
on behalf of all others similarly situated,*

Plaintiff,

v.

NAVY FEDERAL CREDIT UNION,

Defendant.

Civil Action No: 22-2916 (SDW)(ESK)

ORDER

January 18, 2023

WIGENTON, District Judge.

This matter, having come before this Court on (1) Defendant Navy Federal Credit Union's ("Defendant") Motion to Dismiss, (D.E. 7, "Motion to Dismiss"); (2) Magistrate Judge Edward S. Kiel's ("Judge Kiel") Report and Recommendation ("R&R"), dated September 14, 2022, recommending that Plaintiff Jacqueline Wilkins's ("Plaintiff") Motion to Remand (D.E. 16, "Motion to Remand") be granted, (D.E. 40); and (3) Defendant's objections to the R&R of Judge Kiel, (D.E. 44, "Objection"), and this Court having considered the parties' submissions, for the reasons stated in this Court's Opinion dated January 18, 2023,

IT IS on this 18th day of January 2023

ORDERED that the R&R of Judge Kiel is **REJECTED**; it is further

ORDERED that Plaintiff's Motion to Remand is **DENIED** as set forth in this Court's Opinion; and it is further

ORDERED that Defendant's Motion to Dismiss is **GRANTED** without prejudice. Plaintiff shall have thirty (30) days within which to file an Amended Complaint. Should the Amended Complaint fail to overcome the deficiencies discussed in this Court's Opinion dated January 18, 2023, a successful motion to dismiss shall be granted with prejudice.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
Edward S. Kiel, U.S.M.J.
Parties