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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Shireen Shekaramiz,

10 Plaintiff,

11 v.

12 Genesis Corporate Solutions, LLC, d/b/a
13 Yash Technologies Corporate Solutions,
14 LLC; Yash Technologies, Inc.; and Jacinto
Arauz, an individual,

15 Defendants.

No. CV-15-01385-PHX-NVW

ORDER

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17 Before the Court is Defendants' Motion to Dismiss (Doc. 33) and the parties'
18 accompanying briefs. The Amended Complaint (Doc. 32) pleads claims for employment
19 discrimination against all Defendants under Title VII of the Civil Rights Act of 1964 and
20 the Arizona Civil Rights Act. As to the two alleged employers, Genesis Corporate
21 Solutions, LLC, and Yash Technologies, Inc., Defendants' challenge under the "first to
22 file" rule is mooted by the dismissal of the employers' own preemptive action filed in the
23 Northern District of Illinois. (Doc. 41-1.) That part of the Motion will be denied.

24 The Amended Complaint does not state a claim upon which relief can be granted
25 as against Defendant Arauz because only employers, not supervisors or co-employees,
26 can be liable under Title VII of the Civil Rights Act of 1964 or the Arizona Civil Rights
27 Act. *Craig v. M & O Agencies, Inc.*, 496 F.3d 1047, 1058 (9th Cir. 2007); *De La Torre v.*
28 *Merck Enters., Inc.*, 540 F. Supp. 2d 1066, 1079 n.10 (D. Ariz. 2008).

1 Plaintiff seeks leave to amend her complaint again to try to plead other claims
2 against Arauz. She has already amended her complaint once. She will be granted leave
3 only once more to try to plead claims against Arauz. Plaintiff is reminded that allegations
4 must have enough factual content to be understood and fairly responded to. Any
5 amended complaint must also allege the time or times of any new actionable conduct, as
6 there may be a fair question of statutes of limitations. Allegations of place of conduct are
7 within the knowledge of Plaintiff and should be alleged with enough detail to establish
8 Arizona personal jurisdiction for claims against Arauz.

9 IT IS THEREFORE ORDERED that Defendants' Motion to Dismiss (Doc. 33) is
10 denied as to Defendants Genesis Corporate Solutions, LLC, and Yash Technologies, Inc.,
11 and granted as to Defendant Arauz with leave to file an amended complaint as to
12 Defendant Arauz by January 8, 2016.

13 Dated this 21st day of December, 2015.

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17 Neil V. Wake
18 United States District Judge
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