

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DIVISION**

**DERETHA O. MILLER**

**PLAINTIFF**

**VS.**

**4:09CV00895-WRW**

**PULASKI COUNTY MEDICAL EXCHANGE**

**DEFENDANT**

**ORDER**

Defendant's Motion to Dismiss (Doc. No. 4) is DENIED without prejudice, but its alternate motion for a more definite statement is GRANTED.

After reviewing the Complaint, I am unable to determine, among other things, whether there was an ERISA plan in place and whether Plaintiff was actually a participant in the plan. On the one hand, Plaintiff vaguely asserts that, during her employment, Defendant "was not giving her certain benefits to which she believed she was entitled."<sup>1</sup> She further alleges that she was terminated in retaliation for demanding benefits under an ERISA benefits plan. On the other hand, Defendant asserts that "Miller had never sought to be and had never been a Plan Participant in the Employer-Sponsored Group Health Plan with Arkansas Blue Cross-Blue Shield."<sup>2</sup> Instead, Defendant contends that Plaintiff only participated in the company's offer to reimburse medicare eligible employees up to \$300 annually for supplemental health care insurance. Based on the vague, contradictory assertions before me, I am unable to determine whether Plaintiff was in fact a participant in a plan subject to ERISA protection.

Accordingly, Plaintiff is directed to file an amended complaint -- with plain, simple language -- setting out, among other things, whether she was a member of the Employer-

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<sup>1</sup>Doc. No. 1.

<sup>2</sup>Doc. No. 5.

Sponsored Group Health Plan with Arkansas Blue Cross-Blue Shield, whether she participated in Defendant's supplemental insurance reimbursement program, the "certain benefits" of which she was deprived, *etc.*

The amended complaint must be filed by 5 p.m., Friday, January 29, 2010.

IT IS SO ORDERED this 15<sup>th</sup> day of January, 2010.

/s/Wm. R. Wilson, Jr.  
UNITED STATES DISTRICT JUDGE