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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

KLAUS KUBLER,
Plaintiff,
v.
GENERAL MOTORS LLC,
Defendant.

Case No. [23-cv-04325-SI](#)

**ORDER GRANTING DEFENDANT'S
MOTION TO DISMISS PLAINTIFF'S
COMPLAINT WITH LEAVE TO
AMEND**

Re: Dkt. No. 10

Before the Court is defendant’s motion to dismiss the fourth and fifth causes of action of plaintiff’s complaint. Dkt. No. 10.¹ Plaintiff requests leave to file a First Amended Complaint. Dkt. No. 18. Defendant does not oppose permitting plaintiff to serve an Amended Complaint, but requests that the Court dismiss the fraud claims for failure to state a cause of action on which relief may be granted. Dkt. No. 21 at 3. For the reasons set forth in the order on motion to dismiss at Dkt. No. 31 in 23-cv-04358-SI, *Wieg et al. v. General Motors LLC*, the Court GRANTS defendant’s motion to dismiss WITH LEAVE TO AMEND.² Plaintiff shall file the first amended complaint no later than **November 17, 2023**.

IT IS SO ORDERED.

Dated: November 13, 2023


SUSAN ILLSTON
United States District Judge

¹ The fifth cause of action in plaintiff’s complaint alleges violations of California’s Unfair Competition Law, Cal. Bus. & Prof. Code Section 17200, *et seq.* This statute prohibits “any unlawful, unfair... or fraudulent business act or practice.” Defendant does not move to dismiss alleged violations of the “unlawful” and “unfair” prongs, only alleged violations of the “fraudulent” prong. *See* Dkt. No. 10 at 1.

² Counsel for plaintiff and defendant are the same in 23-cv-04358-SI and the present action and the briefs are virtually identical.