

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

Katherine A. Looper,

Plaintiff,

v.

Case No. 14-1343-JWL

**Salem Hospital, Inc. d/b/a
Salem Home,**

Defendant.

MEMORANDUM & ORDER

Plaintiff filed suit against her former employer alleging violations of the Family and Medical Leave Act, 29 U.S.C. § 2601 et seq., and Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e et seq. In Count II of her complaint, plaintiff alleged retaliation under Title VII based on activity protected by the FMLA. Defendant moved to dismiss Count II of the complaint on the grounds that plaintiff failed to exhaust her administrative remedies with respect to that claim and, in any event, Title VII does not provide a cause of action for allegations of retaliation related to FMLA leave. In lieu of filing a response to the motion, plaintiff has filed an amended complaint that removes Count II entirely from the suit. For this reason, defendant's motion to dismiss is now moot.

IT IS THEREFORE ORDERED BY THE COURT THAT the defendant's motion to dismiss Count Two of plaintiff's complaint (doc. 4) is **denied as moot**.

IT IS SO ORDERED.

Dated this 8th day of December, 2014, at Kansas City, Kansas.

s/ John W. Lungstrum _____
John W. Lungstrum
United States District Judge