

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

WILLIAM ADAM BURCH, ET AL

CIVIL ACTION

VERSUS

NO: 20-1984

MADCON CORP.

SECTION: "S" (2)

ORDER AND REASONS

IT IS HEREBY ORDERED that defendant's **Motion to Dismiss for Failure to State a Claim** (Rec. Doc. 3) is **DENIED** as premature;

IT IS FURTHER ORDERED that plaintiffs shall file an amended complaint within **14 days** of entry of this order.

Plaintiffs herein are commercial divers and diving supervisors who worked for the defendant, MADCON, on its CBG Loading Jetty Repair project in Kamsar, Guinea. Plaintiffs allege that they were offered employment involving a day rate, a safety bonus, and an early completion bonus. They further allege that they completed their work ahead of schedule, and were thus due certain bonuses and other sums from MADCON on November 10, 2019, and to date, MADCON has failed to pay them. Plaintiffs have filed suit under the Seaman's Wage Act, Louisiana Wage Statutes, and the General Maritime Law.


In the instant motion, MADCON seeks dismissal of plaintiffs' claims, arguing that plaintiffs' allegations are inadequate to state a claim under the statutes relied upon. Alternatively, defendant asks the court to order plaintiffs to amend their complaint pursuant to Federal Rule of Civil Procedure 12(e).

Plaintiffs oppose the motion, but acknowledge that certain of their allegations are not explicit. See e.g., Rec. Doc. 4, p. 6. They further request an opportunity to amend their pleadings. Accordingly, the court will grant the plaintiffs an opportunity to file an amended complaint that includes a more definite statement, following which defendant may re-urge a motion to dismiss. Therefore,

IT IS HEREBY ORDERED that defendant's **Motion to Dismiss for Failure to State a Claim** (Rec. Doc. 3) is **DENIED** as premature;

IT IS FURTHER ORDERED that plaintiffs shall file an amended complaint within **14 days** of entry of this order.

New Orleans, Louisiana, this 3rd day of November, 2020.



MARY ANN VIAL LEMMON
UNITED STATES DISTRICT JUDGE