

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

CHAMBERS OF
J. FREDERICK MOTZ
UNITED STATES DISTRICT JUDGE

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April 1, 2016

MEMO TO COUNSEL RE: Mandraki Inc, T/A The Broadway Diner v.
Sysco Baltimore, LLD, et al.
Civil No. JFM-16-272

Dear Counsel:

I have reviewed the memoranda submitted in connection with defendants' motion to dismiss (document 9). The motion is granted. However, plaintiff is granted 15 days to file an amended complaint.

In light of the fact that provisions for the "rebate" were contained in the contract that plaintiff signed, I am satisfied that plaintiff's claim for damages from the inception of its relationships with Sysco from 2014 is unfounded. However, viewing the facts as alleged in the complaint in the light most favorable to plaintiff (as I am compelled do on a motion to dismiss), plaintiff may assert claims under the Maryland common law and the Robinson-Patman Act that are not barred by the statute of limitations.

It does not appear to me that plaintiff has stated claims in count II, III and IV. If plaintiff decides to include such counts in the amended complaint, it must state facts that give rise to a plausible claim. *See Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007).

Despite the informal nature of this letter, it should be flagged as an opinion and docketed as an order.

Very truly yours,

/s/

J. Frederick Motz
United States District Judge

BY _____ DEPUTY

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