

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CNH AMERICA, LLC,

Plaintiff,

v.

Case No. 09-10584

Honorable Patrick J. Duggan

INTERNATIONAL UNION, UNITED
AUTOMOBILE, AEROSPACE AND
AGRICULTURAL IMPLEMENT WORKERS
OF AMERICA,

Defendant.

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JUDGMENT

On August 26, 2008, Plaintiff CNH America, LLC (“CNH”) initiated this action against Defendant International Union, United Automobile, Aerospace and Agricultural Implement Workers of America (“UAW”). CNH asserts the following claims in its Complaint: (I) breach of a collective bargaining agreement in violation of § 301 of the Labor Management Relations Act (“LMRA”), 29 U.S.C. § 185; (II) breach of an implied warranty of authority in violation of Wisconsin law; (III) intentional misrepresentation in violation of Wisconsin law; and, (IV) negligent misrepresentation in violation of Wisconsin law. On February 23, 2009, the UAW filed a motion to dismiss CNH’s claims pursuant to Federal Rule of Civil Procedure 12(b)(6). In an Opinion and Order issued on this date, the Court has held that CNH’s LMRA claim fails as a matter of law and that its state law claims are preempted by the LMRA.

Accordingly,

IT IS ORDERED, ADJUDGED, AND DECREED, that CNH's Complaint is

DISMISSED WITH PREJUDICE.

DATE: July 10, 2009

s/PATRICK J. DUGGAN
UNITED STATES DISTRICT JUDGE

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