

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARGIE BANKS,

Plaintiff,

Case No. 11-CV-10620

v.

HON. GEORGE CARAM STEEH

F. LAX CONSTRUCTION CO., INC.,  
X-CEL RESTORATION, INC., and  
TALAL A. ("ALLEN") JAWAD,

Defendants.

---

ORDER GRANTING IN PART AND DENYING IN PART DEFENDANTS' MOTION  
TO DISMISS COUNTS II, IX, AND X OF PLAINTIFF'S COMPLAINT (#14)

On February 16, 2011, plaintiff filed a complaint asserting the following claims relating to her employment and termination with defendants: violation of the Family Medical Leave Act (count I); violation of Michigan's Sales Representative Commissions Act (count II); breach of contract (count III); quantum meruit/unjust enrichment (count IV); hostile work environment and gender harassment in violation of the Elliott-Larsen Civil Rights Act (count V); gender discrimination under state law (count VI); pay discrimination in violation of the Elliott-Larsen Civil Rights Act (count VII); pay discrimination in violation of the minimum wage law (count VIII); false light (count IX); and intentional infliction of emotional distress (count X). On March 10, 2011, defendants filed a motion to dismiss counts II, IX, and X of plaintiff's complaint. Plaintiff filed a response and defendants filed a reply. A hearing was held on the matter on May 9, 2011. For the reasons stated on the record, the court grants defendants' motion as to counts IX and X of the complaint and denies defendants' motion as to count II of the complaint. If plaintiff wishes to amend counts IX and X, she may do

so without leave of the court by May 23, 2011.

IT IS SO ORDERED.

Dated: May 9, 2011

S/George Caram Steeh\_\_\_\_\_

GEORGE CARAM STEEH  
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on  
May 9, 2011, by electronic and/or ordinary mail.

S/Josephine Chaffee  
Deputy Clerk