

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

John Hyde, on behalf of himself
and those similarly situated

Plaintiff,

v.

FCA US, L.L.C.,
Formerly known as
Chrysler, LLC

Defendant.

Case No. 16-cv-10716

Hon. Victoria A. Roberts

ORDER REGARDING DEFENDANT'S MOTION TO DISMISS

Defendant filed a Motion to Dismiss (Doc. # 2) in which it argues that Plaintiff John Hyde's ("Hyde") state law breach of contract and promissory estoppel claims are preempted by Federal Labor Law and must be treated as arising under Section 301 of the Labor Management Relations Act. Defendant also says the state law claims must be dismissed because Hyde fails to allege an essential element of a §301 claim.

Defendant says the complaint is defective for failing to articulate a plausible claim as required by the Supreme Court's decision in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009). The Court reviewed the motion. Without expressing any view as to its merits, the Court affords Hyde an opportunity to cure the purported pleading defect; the Court grants Hyde leave to file an amended complaint, in accordance with Fed. R. Civ. P. 15(a)(1)(B).

An amended complaint must plead specific factual allegations that, if true, would "plausibly give rise to an entitlement to relief." *Iqbal*, 556 U.S. at 680. If Plaintiff timely

files an amended complaint, the Court will deny without prejudice the motion to dismiss as moot. If Plaintiff does not timely file an amended complaint, Plaintiff must file a response to the motion, and the Court will decide the motion.

Either an amended complaint or a response to the motion must be filed by **Monday, March 21, 2016.**

IT IS ORDERED.

S/Victoria A. Roberts
Victoria A. Roberts
United States District Judge

Dated: March 8, 2016

The undersigned certifies that a copy of this document was served on the attorneys of record by electronic means or U.S. Mail on March 8, 2016.

S/Carol A. Pinegar
Deputy Clerk