

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DETROIT ENTERTAINMENT, LLC,

Plaintiff,

Case No. 21-cv-10661

Hon. Matthew F. Leitman

v.

AMERICAN GUARANTEE AND
LIABILITY INSURANCE COMPANY,

Defendant.

**ORDER GRANTING PLAINTIFF LEAVE
TO FILE A FIRST AMENDED COMPLAINT**

On February 25, 2021, Plaintiff Detroit Entertainment, LLC filed this declaratory judgment and breach-of-contract action against its commercial property insurer, Defendant American Guarantee and Liability Insurance Company, in the Wayne County Circuit Court. (*See* Compl., ECF No. 1-2.) Detroit Entertainment alleges that American Guarantee wrongly denied an insurance claim that Detroit Entertainment had made related to losses arising out of the COVID-19 pandemic. (*See id.*) American Guarantee removed the action to this Court, and it has now filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (*See* Notice of Removal, ECF No. 1; Mot. to Dismiss, ECF No. 13.)

Without expressing any view regarding the merits of the motion to dismiss, the Court will grant Detroit Entertainment the opportunity to file a First Amended Complaint in order to remedy the alleged deficiencies in its claims identified by American Guarantee in the motion to dismiss. The Court does not anticipate allowing Detroit Entertainment another opportunity to amend to add factual allegations that it could now include in its First Amended Complaint. Simply put, this is Detroit Entertainment's opportunity to allege any and all additional facts, currently known to it, that may cure the alleged deficiencies in its claims.

By **May 11, 2021**, Detroit Entertainment shall notify the Court and Defendants in writing whether it will amend the Complaint or respond to the motion to dismiss. If Detroit Entertainment provides notice that it will be filing a First Amended Complaint, it shall file that amended pleading by no later than **May 24, 2021**, and American Guarantee shall answer or otherwise respond to it by no later than **June 21, 2021**. Upon the filing of a First Amended Complaint, the Court will terminate without prejudice American Guarantee's currently pending motion to dismiss as moot.

If Detroit Entertainment provides notice that it will not be filing a First Amended Complaint, it shall file a response to American Guarantee's motion to dismiss by no later than **May 24, 2021**.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: April 27, 2021

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 27, 2021, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(810) 341-9764