

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-cv-577-RJC-DCK**

US AIRWAY PILOTS ASSOCIATION,)
)
Plaintiff,)
)
v.)
)
ROGER VELEZ, on behalf of himself and all)
similarly situated former America West Pilots,)
and LEONIDAS, LLC,)
)
Defendants.)
_____)

ORDER

THIS MATTER comes before the Court on Defendant Velez’s Motion to Dismiss for Lack of Jurisdiction, (Doc. No. 7), Defendant Leonidas’ Motions to Dismiss for Failure to State a Claim and for Lack of Jurisdiction, (Doc. No. 8), Plaintiff’s Motion to Remand, (Doc. No. 19), Plaintiff’s Motion for Discovery *On Jurisdiction*, (Doc. No. 24), Plaintiff’s Motion to Amend/Correct, (Doc. No. 33), the Magistrate Judge’s Memorandum and Recommendation (“M&R”), (Doc. No. 39), Defendants’ Objection to the M&R, (Doc. No. 42), and Plaintiff’s Reply to Defendants’ Objection to the M&R, (Doc. No. 44).

In the M&R, the Magistrate Judge recommended that: Plaintiff’s Motion for Discovery *On Jurisdiction* be granted; Plaintiff’s Motions to Remand and for a Hearing be denied without prejudice to refile; and Defendants’ Motions to Dismiss be denied without prejudice to refile. Defendants filed an Objection to the M&R of the Magistrate Judge on April 16, 2015, and Plaintiff filed a Reply to Defendants’ Objection on April 28, 2015. It is ripe for review.

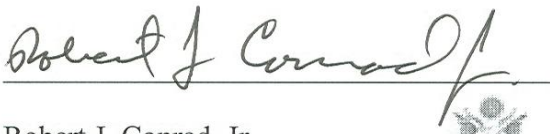
In Defendants’ Objection to the M&R, Defendants consented to personal jurisdiction. It is therefore unnecessary to grant Plaintiff’s Motion for Discovery *On Jurisdiction*. In all other

respects, this Court **adopts** the findings of fact and conclusions of law specified in the Magistrate Judge's M&R.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion to Remand, (Doc. No. 19), is **DENIED WITHOUT PREJUDICE**.
2. Plaintiff's Motion For Jurisdictional Discovery, (Doc. No. 24), is **DENIED AS MOOT**.
3. Plaintiff's Motion for Leave to Amend the Complaint, (Doc. No. 33), is **GRANTED**.
Plaintiff shall file an Amended Complaint no later than twenty days after the effect of this order.
4. Plaintiff's Request for Hearing on Pending Motions is **DENIED AS MOOT**.
5. Defendant Leonidas' Motion to Dismiss for Failure to State A Claim Upon Which Relief Can Be Granted is **DENIED AS MOOT, without prejudice** to refile such motion, if appropriate, after the Amended Complaint is filed.

Signed: June 3, 2015



Robert J. Conrad, Jr.
United States District Judge

