

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

MILISSA ANN THERRIEN,
Plaintiff,

vs.

INLINE PLASTICS, a foreign corp., and
DAN MARTEL, an individual,
Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING MOTION TO
AMEND AND MOOTING MOTION
TO DISMISS

Case No. 2:10-CV-786 TS

Plaintiff's Complaint contains seven claims for relief. Defendants move to dismiss the First, Second and Third Causes of Action for failure to state a claim against the individual defendant because supervisors and other employees may not be held personally liable under Title VII. Defendants also move to dismiss the Fourth, Fifth and Six Causes of Action as barred by the exclusivity provision of the Utah Workers' Compensation Act.

Plaintiff responds that her first, second and third causes of action are against the corporate defendant only and that the exclusivity provisions of the Workers' Compensation statute do not bar her claims because she alleges intentional torts. However, Plaintiff also

moves to amend her complaint to cure any deficiencies. Defendants do not oppose the request to amend the complaint.

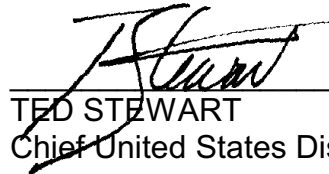
The Court will grant the unopposed Motion to Amend. Because there will be an Amended Complaint, the current Motion to Dismiss is moot. It is therefore

ORDERED that Plaintiff's Motion to Amend (Docket No. 17) is GRANTED and Plaintiff shall file her Amended Complaint within 14 days of the entry of this order. It is further

ORDERED that Defendants' Motion to Dismiss (Docket No. 12) is MOOT

DATED May 5, 2011.

BY THE COURT:



TED STEWART
Chief United States District Judge