

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIAAMERICAN AIRLINES FLOW-THRU
PILOTS COALITION, et al.,

Plaintiffs,

v.

ALLIED PILOTS ASSOCIATION, et al.,

Defendants.

Case No. [15-cv-03125-RS](#)**ORDER GRANTING AMERICAN
AIRLINES' MOTION TO DISMISS**

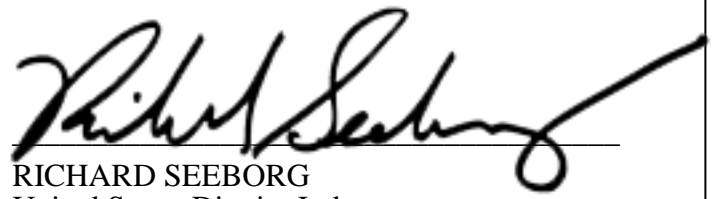
Pursuant to Civil Local Rule 7-1(b) the motion to dismiss the first claim for relief of the Second Amended Complaint insofar as it is alleged against defendant American Airlines has been submitted without oral argument. The motion will be granted. The claims against American in the prior complaint were dismissed because the facts alleged provided no basis to hold American liable for a breach of the union's duty of fair representation. The order observed that the issue likely was not one that could be addressed merely through pleading additional facts; rather, the order effectively rejected the legal premise of plaintiffs' claim. Nevertheless, at their request, plaintiffs were given leave to amend.

The revised and additional factual allegations of the Second Amended Complaint, however, do not alter the analysis. Plaintiffs' basic theory remains that American may be held liable for colluding in the union's breach of the union's duty, not that American breached any independent duty it held towards plaintiffs. Plaintiffs' opposition to the present motion effectively seeks reconsideration of the prior order's conclusion as to what does or does not constitute

1 actionable collusion, rather than attempting to establish that the amendments represent a
2 substantial change in the factual allegations. While it is not procedurally improper for plaintiffs to
3 reargue their prior position, they have not made a compelling showing that the previous dismissal
4 order was in error, or that any of the revised or additional allegations are sufficient to impose
5 liability on American for the union's alleged breach of the duty of fair representation.

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7 **IT IS SO ORDERED.**

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9 Dated: April 20, 2016

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12 RICHARD SEEBORG
13 United States District Judge
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United States District Court
Northern District of California