

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

SALVADORA ORTIZ AND THOMAS SCOTT§
ON BEHALF OF THEMSELVES AND ALL §
OTHERS SIMILARLY SITUATED, §

Plaintiffs, §

VS. §

NO. 4:16-CV-151-A

AMERICAN AIRLINES, INC., ET AL., §

Defendants. §

ORDER

Came on for consideration the motion of defendants American Airlines, Inc. ("American") and American Airlines Pension Asset Administration Committee ("PAAC"), and the motion of defendant American Airlines Federal Credit Union ("AA Credit Union") to dismiss. The court, having considered the motions, the response of plaintiffs, Salvadora Ortiz and Thomas Scott, the replies, the record, and applicable authorities, finds that the motions should be denied.

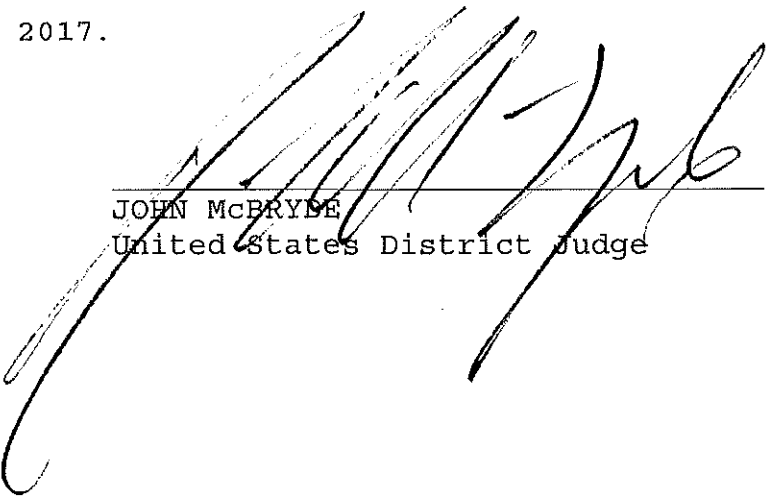
Plaintiffs, individually and as representatives of a class of participants and beneficiaries of a retirement plan formally known as the Super Saver, a 401(k) Capital Accumulation Plan for Employees of Participating AMR Corporation Subsidiaries (the "Plan"), sue defendants for violations of the Employee Retirement Income Security Act of 1974, 29 U.S.C. §§ 1001-1461 ("ERISA"). They allege that each of the defendants is a fiduciary under

ERISA. They assert three causes of action. First, they allege that American and PAAC violated their fiduciary duties of loyalty and prudence by offering the AA Credit Union Fund, rather than a stable value fund, as the Plan's "income producing, low risk, liquid fund." Second, they assert that AA Credit Union breached its duty of loyalty by dealing with Plan assets for its own account. And, third, plaintiffs assert that American and PAAC engaged in a transaction prohibited by ERISA in allowing Plan assets to be invested in AA Credit Union demand deposit accounts.

The court is satisfied that plaintiffs have met their pleading burden. The arguments defendants make go to the merits of the claims and would more properly be presented by motions for summary judgment.

The court ORDERS that defendants' motions to dismiss be, and are hereby, denied.

SIGNED November 27, 2017.



JOHN MCBRYDE
United States District Judge