

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

ROBERT STEINBUCH

PLAINTIFF

v.

No. 4-08-CV-000456 JLH

HACHETTE BOOK GROUP

DEFENDANT

**RESPONSE TO PLAINTIFF'S NOTICE OF
ADDITIONAL AUTHORITY**

In his "Notice of Additional Authority," plaintiff cites to a single unpublished *per curiam* decision of the Eighth Circuit Court of Appeals, *Chambers v. St. Louis County*, 247 Fed. Appx. 846 (8th Cir. 2007). *Chambers*, however, far from supporting plaintiff's response, only further illustrates why the complaint in this case must be dismissed.

Contrary to plaintiff's assertion, *Chambers* did not resurrect the pleading standard abandoned by the Supreme Court in *Twombly*. See *Bell Atl. Corp. v Twombly*, 127 S. Ct. 1955, 1969 (2007) (holding that the "no set of facts" pleading standard has "earned its retirement"). Rather, *Chambers* cites the earlier case of *Frey v. Herculaneum*, 44 F.3d 667 (8th Cir. 1995), as authority to affirm the dismissal of a claim that did not meet the long-established minimum pleading standard that a complaint must not contain "speculative" or "conclusory" allegations, and rather "must contain facts stating [a] claim as a matter of law" in order to survive dismissal under Fed. R. Civ. P. 12(b)(6). *Chambers*, 247 Fed.

