

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

**BRENDA LIANG, O.D., et al.,**

\*

**Plaintiffs**

\*

**v.**

\*

**CIVIL NO. JKB-17-1964**

**NAT'L BD. OF EXAM'RS. IN  
OPTOMETRY, INC.**

\*

**Defendant**

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\* \* \* \* \*

**MEMORANDUM AND ORDER**

Pending before the Court is Defendant’s motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) and (6). (ECF No. 25.) For the reasons stated by the Fourth Circuit in *Hutton v. Nat’l Bd. of Exam’rs in Optometry, Inc.*, 892 F.3d 613 (4th Cir. 2018), the motion is DENIED as to Defendant’s argument pertaining to lack of standing by Plaintiffs. Although the Court also DENIES Defendant’s arguments under Rule 12(b)(6), it does so with a lack of fulsome briefing on the nuances of the many different causes of action advanced by Plaintiffs regarding specific application of the various states’ laws. With the benefit of discovery and more precisely focused arguments, the Court will be in a better position to consider the merits of each claim made. Defendant’s motion (ECF No. 25) is, therefore, DENIED.

SO ORDERED.

DATED this 28th day of September, 2018.

BY THE COURT:

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/s/  
James K. Bredar  
Chief Judge