

**In the United States District Court  
Western District of Missouri  
Central Division**

MARCY A. JOHNSON, individually  
and on behalf of all others similarly  
situated,

Plaintiff,

v.

WEST PUBLISHING CORP., a  
Minnesota Corporation,

Defendant.

Case No: 10-04027-CV-C-NKL

Honorable Nanette K. Laughrey

Jury Trial Demanded

**Plaintiff's Response to  
Defendant's Motion to Dismiss Count II of Plaintiff's Complaint**

Defendant West Publishing Corp. ("West Publishing") has moved to dismiss Count II (Unjust Enrichment) of Plaintiff's Class Action Complaint ("Complaint"). [D.E. #18] Plaintiff does not seek to pursue her unjust enrichment count at this time, and, accordingly, hereby withdraws it.

Dated: May 10, 2010

By: /s/ Ben Barnow  
Ben Barnow (admitted *pro hac vice*)  
Barnow and Associates, P.C.  
1 North LaSalle Street, Suite 4600  
Chicago, IL 60602  
(312) 621-2000  
(312) 641-5504 Fax  
b.barnow@barnowlaw.com

*Attorneys for Plaintiffs*

Matthew D. Meyerkord #56662  
The Meyerkord Law Firm  
of Kansas City  
1828 Swift Ave., Suite 406  
Kansas City, MO 64116  
(816) 221-7555  
(816) 527-8083 (fax)  
matt@meyerkordkc.com  
www.meyerkordkc.com

*Of Counsel:*

John S. Steward  
Steward Law Firm, LLC  
5201 Hampton Avenue  
St. Louis, Missouri 63109  
(314) 353-1001  
(314) 353-0181 (fax)  
glaw123@aol.com

### **Certificate of Service**

I, Ben Barnow, hereby certify that Plaintiff's Response to Defendant's Motion to Dismiss Count II of Plaintiff's Complaint was served electronically via the Court's electronic filing system this 10<sup>th</sup> day of May, 2010, to the attorneys of record herein.

/s/ Ben Barnow