

IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

KLAUDYNA ROUTT,)
Plaintiff,)
vs.) No. CIV-18-862-C
STATE OF OKLAHOMA ex rel.,)
THE OKLAHOMA BUREAU OF)
NARCOTICS AND DANGEROUS)
DRUGS CONTROL,)
Defendant.)

MEMORANDUM OPINION AND ORDER

Defendant State of Oklahoma ex rel. the Oklahoma Bureau of Narcotics and Dangerous Drugs Control (“OBN”) seeks dismissal of Plaintiff’s claims against it pursuant to Fed. R. Civ. P. 12(b)(6). According to Defendant, Plaintiff has failed to plead facts in support of her claims which state a claim for relief that is plausible on its face. See Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007). Defendant asserts that Plaintiff’s Complaint offer little more than conclusory allegations. Defendant then notes several purported areas where the Complaint fails to offer sufficient factual support. However, after consideration of the arguments raised by Defendant and review of Plaintiff’s Complaint, the Court finds the Complaint adequately apprises Defendant of the nature of her Complaint and the factual basis for her allegations. Indeed, much of the argument asserted by Defendant raises issues more appropriate for resolution at the summary judgment stage rather than on a Motion to Dismiss. For example, Defendant argues that the “same actor inference” doctrine should apply to bar her claims of discrimination. See

Antonio v. Sygma Network, Inc., 458 F.3d 1177, 1183 (10th Cir. 2006). However, there is no evidence presented in the Complaint that Plaintiff was hired by the same person she alleges discriminated against her. Thus, application of this doctrine is inappropriate at this time. In short, while Plaintiff's Complaint could have included additional factual allegations, in its present form it states a plausible claim for relief. Accordingly, Defendant's Motion to Dismiss will be denied.

As set forth more fully herein, Defendant State of Oklahoma's Motion to Dismiss (Dkt. No. 5) is DENIED.

IT IS SO ORDERED this 29th day of October, 2018


ROBIN J. CAUTHRON
United States District Judge