

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

RIFFEL LAW FIRM, PLLC, a Professional Limited Liability Company, Plaintiff,

vs.

No. CIV-20-616-C

HEATH D. GAISFORD, an individual; ALISHA LOUISE GAISFORD, an individual; DENNIS IRVIN GAISFORD, an individual; LOLA FAYE GAISFORD, an individual; STATE OF OKLAHOMA, ex rel. OKLAHOMA TAX COMMISSION; ELLIS COUNTY TREASURER and BOARD OF COUNTY COMMISSIONERS; U.S. DEPARTMENT OF AGRICULTURE, ex rel. FARM SERVICE AGENCY; and JOHN DOE, occupant,

Defendants,

HEATH D. GAISFORD, an individual; ALISHA LOUISE GAISFORD, an individual; DENNIS IRVIN GAISFORD, an individual; and LOLA FAYE GAISFORD, an individual,

Counterclaim Plaintiffs,

vs.

RIFFEL LAW FIRM, PLLC, a Professional Limited Liability Company, CRAIG RIFFEL, an individual; KATRESA RIFFEL, an individual; and JONATHAN F. BENHAM, an individual,

Counterclaim Defendants.

MEMORANDUM OPINION AND ORDER

Counter-Defendants Riffel Law Firm, PLLC, Craig Riffel, Katresa Riffel, and Jonathan Benham (“Counter-Defendants”) have filed a Motion pursuant to Fed. R. Civ. P. 12(b)(6) seeking dismissal of the counterclaims alleged against them. According to Counter-Defendants, the allegations in the Amended Counterclaim fail to state a claim for relief. After consideration of the allegations in Counter-Defendants’ Motion the Court finds it should be denied. The claims in the Amended Counterclaim could have been more artfully drafted or could have offered additional factual details. Nevertheless, even in their present state, the allegations state a plausible claim for relief. Bell Atl. Corp. v. Twombly, 550 U.S. 544 (2007); Ashcroft v. Iqbal, 556 U.S. 662 (2009). Additionally, to the extent the Motion seeks dismissal of the claims against Katresa Riffel, Counter-Defendants’ Motion seeks resolution of a factual dispute. Of course, that action is improper at this stage.

As set forth more fully herein, Plaintiff/Counter-Defendants’ Motion to Dismiss Gaisford Defendants’ Amended Counterclaims (Dkt. No. 42) is DENIED.

IT IS SO ORDERED this 2nd day of February 2021.


ROBIN J. CAUTHRON
United States District Judge