UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

WILMA ARMER, *et al.*, Plaintiffs, v. OPENMARKET, INC., *et al.*, Defendants.	No. C08-1731RSL ORDER DENYING DEFENDANT OPENMARKET'S SECOND MOTION TO DISMISS

This matter comes before the Court on a "Motion to Dismiss the Second Amended Class Action Complaint by Defendant OpenMarket, Inc." Dkt. # 48. This motion was filed shortly before the Court issued its decision regarding OpenMarket's original challenge to the adequacy of plaintiffs' complaint. The Court has already found that the allegations of the Second Amended Complaint satisfy the pleading standard set forth in Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007), and that plaintiffs' unjust enrichment, tortious interference, and consumer protection act claims may proceed. See Dkt. # 55 at 1. Although OpenMarket has not affirmatively withdrawn this second motion to dismiss, it did not submit a reply memorandum. In light of the Court's prior rulings, OpenMarket's second motion to dismiss is hereby DENIED.

Dated this 5th day of October, 2009.

Robert S. Lasnik
United States District Judge