

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

SARAH SEBREN,
Plaintiff,

v.

CASBY HARRISON, III,
Defendant.

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) C.A. No. 18-667-JJM-PAS
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ORDER

To survive a motion to dismiss for failure to state a claim under Federal Rule of Civil Procedure 12(b)(6), a Plaintiff must present facts that make her claim plausible on its face. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). While the Rules require a plaintiff to provide a defendant with “a short and plain statement of the claim showing that the pleader is entitled to relief” (Fed. R. Civ. P. 8(a)(2)), this requirement is only satisfied when a Plaintiff includes sufficient factual allegations in their complaint to nudge their claims “across the line from conceivable to plausible.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). A plaintiff is thus “required to set forth factual allegations, either direct or inferential, respecting each material element necessary to sustain recovery under some actionable legal theory.” *Gooley v. Mobil Oil Corp.*, 851 F.2d 513, 514 (1st Cir. 1988) (citing *Conley v. Gibson*, 355 U.S. 41, 45-48 (1957)).

The Defendant moves to dismiss Count III of the Plaintiff's complaint alleging unjust enrichment. The entirety of Count III reads:

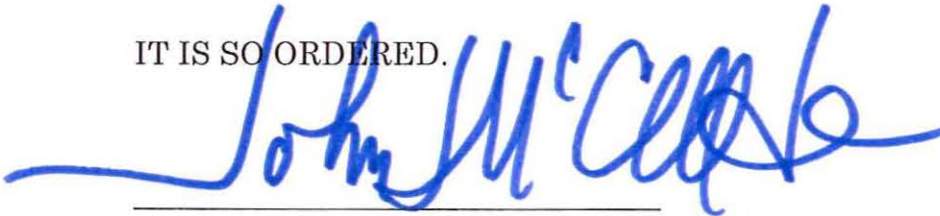
COUNT III-UNJUST ENRICHMENT

1. Sebren repeats paragraphs 1-40.
2. Through her work for Harrison, Sebren conferred a benefit upon him.
3. Harrison appreciated the benefit that Sebren conferred upon him.
4. Harrison accepted the benefit that Sebren conferred upon him under such circumstances that it would be inequitable for him to retain that benefit without paying the value thereof.
5. By not paying Sebren for the value of her services, Harrison has been unjustly enriched.
6. As a result of Harrison's unjust enrichment, Sebren has been harmed.

ECF No. 1 at 6-7.

The count for unjust enrichment lacks facts that show the Defendant, that the Plaintiff is entitled to any relief under this count. The Court thus GRANTS the Plaintiff's Motion to Dismiss Count III of the complaint. ECF No. 40.

IT IS SO ORDERED.



John J. McConnell, Jr.
United States District Judge

May 8, 2019