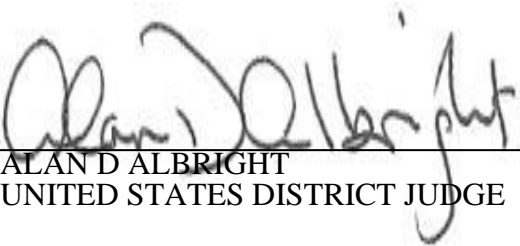




Defendant PayPal, Inc. makes similar arguments and requests the Court make the same inquiries. The cases cited by PayPal, Inc. are unavailing under a rule 12(b)(6) standard. Many of the cited cases are of Rule 12(c) posture or present distinct facts. Thus, the Court **DENIES** Defendant's Rule 12(b)(6) Motion to Dismiss (ECF No. 7) and grants leave for Defendant PayPal, Inc. to file a Rule 56 Motion for Summary Judgment or Rule 12(c) Motion for Judgment on the Pleadings.

SIGNED this 9th day of June, 2022.



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ALAN D ALBRIGHT  
UNITED STATES DISTRICT JUDGE