Syllabus

SUPREME COURT OF THE STATE OF RIDGEWAY

Syllabus

LAZERIFY *v.* STUDSPERSECOND

CERTIFICATE TO THE SUPERIOR COURT OF RIDGEWAY

No. 22–17. Decided January 30, 2023*

On December 30, 2022, xLaZerify submitted a civil complaint against StudsPerSecond, citing the tort of negligence per se, after he was demoted from the rank of Supervisor to Delivery Driver. On January 2, 2023, in response to the civil complaint, StudsPerSecond denied that Impediage, the General Manager of StudsPerSecond, committed the tort of negligence *per se.* On January 3, 2023, StudsPerSecond submitted a motion to dismiss the case, arguing that xLaZerify failed to state a claim. On January 7, 2023, the lower court denied the motion to dismiss finding "conceivable allegations" in the civil complaint. On January 8, 2023, StudsPerSecond filed a supplemental pleading, urging the lower court to reconsider its ruling and thereby grant their motion to dismiss. See *xLaZerify* v. *StudsPerSecond,* RSC-CV-832 (Super. Ct.). On January 8, 2023, epidermisgupta69, filed a civil complaint against iCitruzx, citing the tort of official misconduct, after he was searched despite his refusal. On January 8, 2023, iCitruzx, represented by the government, filed a motion to dismiss, arguing that epidermisgupta69 insufficiently pled his claim in the civil complaint. See *epidermisgupta69* v. *iCitruzx,* RSC-CV-856 (Super. Ct.). Following both motions to dismiss, the Superior Court certified three questions to this Court regarding the appropriate remedy for an insufficiently-pleaded complaint. This Court set two of the three questions for briefing.

Held: The questions are answered in the negative. Pp. 2-9.

(a) It is imperative that a civil complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief." See Rid. R. Civ. P. 8(a)(1). Similarly, federal rules require a pleading

---

* Together with No. 22-18, *Gupta* v. *Citruzx,* on certificate to the Superior Court of Ridgeway.

Syllabus

to contain "a short and plain statement of the claim showing that the pleader is entitled to relief." See Fed. R. Civ. P. 8(a)(2). Owing to the mirroring of these rules, this Court tends to rely on federal precedent to guide its interpretation of relative issues. See *Titanic* v. *Nev*, 1 Rid. 80, 84; *State* v. *Lx1nas*, 1 Rid. 46, 51, 52-54. P. 2.

(b) A party may move to dismiss a case where the plaintiff fails to "to state a claim upon which relief can be granted." Rid. Rule Civ. P. 12(b)(5). To survive a Rule 12(b)(5) dismissal motion, therefore, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft* v. *Iqbal,* 556 U. S. 662, 678; *Bell Atlantic Corp.* v. *Twombly,* 550 U. S. 544, 570. A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. P. 3.

(c) The complaints in the two cases before us do not satisfy that standard. In *xLazerify,* the plaintiff's inability to tie these facts to the tort of negligence per se by explaining the defendant's duty of care to him and how certain administrative policies—in this case, shown in the StudsPerSecond handbook—were designed to prevent the alleged injury, makes the civil complaint fall short of stating a claim. In *epidermisgupta69,* the complaint did not adequately combine the factual allegations with legal conclusions that address all parts of the tort in question. Pp. 3-8.

(d) The lower court can exercise its discretion when choosing to dismiss a civil complaint, and in effect, an entire civil case, with or without prejudice. The issues found in the civil complaints of xLaZerify and epider-misgupta69 are not dire enough to the point where a dismissal with prejudice would necessarily be warranted. A dismissal without prejudice could give enough room for the errors of the civil complaints to be corrected in a timely fashion before a case is refiled. The lower court is afforded the ability to utilize the findings of the Court, in this case, to come to a determination as to how a faulty civil complaint should be handled in each case as it pertains to prejudice applied to the dismissal. Pp. 8-9.

Questions answered in the negative.

GORSUCH, J., delivered the opinion for a unanimous Court.

SUPREME COURT OF THE STATE OF RIDGEWAY

Nos. 22-17 and 22-18

22-17 XLAZERIFY, PETITIONER *v.* STUDSPERSECOND

ON WRIT OF CERTIORARI FROM THE SUPERIOR COURT OF RIDGEWAY

22-18 EPIDERMISGUPTA69, PETITIONER *v.* ICITRUZX

ON CERTIFICATE TO THE SUPERIOR COURT OF RIDGEWAY

[January 30, 2023]

JUSTICE GORSUCH delivered the opinion of the Court.

On December 30, 2022, xLaZerify submitted a civil complaint against StudsPerSecond, citing the tort of negligence per se, after he was demoted from the rank of Supervisor to Delivery Driver. On January 2, 2023, in response to the civil complaint, StudsPerSecond denied that Impediage, the General Manager of StudsPerSecond, committed the tort of negligence *per se*. On January 3, 2023, StudsPerSecond submitted a motion to dismiss the case, arguing that xLaZerify failed to state a claim. On January 7, 2023, the lower court denied the motion to dismiss finding "conceivable allegations" in the civil complaint. On January 8, 2023, StudsPerSecond filed a supplemental pleading, urging the lower court to reconsider its ruling and thereby grant their motion

to dismiss. See *xLaZerify* v. *StudsPerSecond,* RSC-CV-832 (Super. Ct.).

On January 8, 2023, epidermisgupta69, filed a civil complaint against iCitruzx, citing the tort of official misconduct, after he was searched despite his refusal. On January 8, 2023, iCitruzx, represented by the government, filed a motion to dismiss, arguing that epidermisgupta69 insufficiently pled his claim in the civil complaint. See *epidermisgupta69* v. *iCitruzx,* RSC-CV-856 (Super. Ct.).

On January 8, 2023, the lower court certified three questions to this court. The first asked: [s]hould insufficiently pleaded facts in a civil complaint only result in a dismissal with prejudice? The second asked: [a]re the prerequisites for a civil complaint met in both xLaZerify and epidermisgupta69's cases? The third asked: [a]re the prerequisites and requirements in *Bell Atlantic Corp.* v. *Twombly,* 550 U.S. 544 (2007) and *Ashcroft* v. *Iqbal,* 556 U.S. 662 (2009) relaxed for *pro se* litigants and to what extent? On January 10, 2023, this Court consolidated *xLaZerify* v. *StudsPerSecond* and *epidermisgupta69* v. *iCitruzx* and elected to only accept briefs as to questions 1 and 2.[1]

I

This Court looks first at the second certified question as answering it would provide clarity towards the first certified question. The second question asks [if] the prerequisites for a civil complaint [are] met in both *xLaZerify* and *epidermisgupta69*. Across the board, it is imperative that a civil complaint contain "a short and plain statement of the claim showing that the pleader is entitled to relief." See Rid. R. Civ. P. 8(a)(1). Similarly, federal rules require a pleading to contain "a short and plain statement of the claim showing that the pleader is entitled to relief." See Fed. R. Civ. P. 8(a)(2). Owing to the mirroring of these rules, this Court

[1] 1 Rid. ___ (2023).

tends to rely on federal precedent to guide its interpretation of relative issues. See *Titanic* v. *Nev*, 1 Rid. 80, 84 (2023); *State* v. *Lx1nas*, 1 Rid. 46, 51, 52-54 (2022). It would be best to individually look at the civil complaints below and determine if they muster up to the guidelines set out in our rules and federal interpretations.

A – Analysis of *xLazerify* Civil Complaint

Our rules require a plaintiff to make "a short and plain statement of the claim" to demonstrate the relief to which they are entitled. See Rid. Rule Civ. P. 8(a)(1). However, a party may move to dismiss a case where the plaintiff fails to "to state a claim upon which relief can be granted." Rid. Rule Civ. P. 12(b)(5).[2] To survive a Rule 12(b)(5) dismissal motion, therefore, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" *Ashcroft* v. *Iqbal,* 556 U. S. 662, 678 (2009) (quoting *Bell Atlantic Corp*. v. *Twombly,* 550 U. S. 544, 570 (2007)). A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged. *Id.* (quoting *Twombly*, 550 U. S., at 556). Nonetheless, the details of a civil complaint must incorporate relevant facts and their relation to the tort(s) in question. The United States Supreme Court has cautioned that a mere "formulaic recitation of elements of a cause of action will not do." *Twombly*, 550 U. S., at 555. We must carefully dissect the civil complaint in *xLaZerify* to determine if this mistake is present. The civil complaint contains several facts that provide context of the plaintiff's situation before his demotion. It even portrays the plaintiff's attempts to notify the defendant of the reasons pertaining to his sudden inactivity. While this can be appreciated by the

[2] This subsection is copied verbatim from Rule 12(b)(6) of the Federal Rules of Civil Procedure.

lower court as painting a picture of the events leading up to the point where the plaintiff allegedly suffered harm, they do not highlight a cause of action.

In fact, most of the facts stated in the civil complaint were admitted by the defendant in their response to the civil complaint. The only discernible denials by the defendant of the plaintiff's allegations came in relation to paragraph 12 of the civil complaint which reads "[d]ue to the violations of StudsPerSecond Administrative policy, Mr. Impediage had tortuously committed Negligence per se." *xLaZerify* v. *StudsPerSecond*, RSC-CV-832. This is the only attempt that the plaintiff makes to describe a causal relationship between the defendant's actions and their alleged harm in connection to the tort of negligence per se. This statement can be construed as a legal conclusion made without any true analytical backing and is a weak attempt at best to show the weight of the facts stated previously. The plaintiff did not even go as far as to make a "formulaic recitation of elements" when referring to the aforementioned tort. They did not even bother to break down the tort. *Twombly, supra.* A lack of regard for even lightly going over the elements of the tort of negligence per se does not properly draw up a cause of action that this Court can identify.

On the topic of mere legal conclusions, "while legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." *Iqbal*, *supra,* at 679. The civil complaint contains several factual allegations such as "[o]n the 4th of December, the defendant was demoted from his position as a supervisor in StudsPerSecond for 'Inactivity'"; "[f]ollowing this, the defendant made clear that he was in fact not inactive and was up to date with his work, even going so far as to restate that he was on LOA"; "[a]t the time of his demotion, Mr. xLazerify did not have any disciplinary actions taken against him." RSC-CV-832. These factual allegations do not lead to the formation of a coherent legal conclusion as to the defendant's satisfying

the elements of negligence *per se*.

Further, "[t]hreadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice." *Iqbal*, supra, at 678. What we see in the civil complaint is a list of events describing what the plaintiff experienced leading up to his demotion. These facts are not construed in a manner to demonstrate how the defendant "[was] prescribed a duty by statute or administrative policy, and that [the defendant] breached such statute or administrative policy resulted in injury against another individual." See 1 R. Stat. § 3106. Additionally, "[t]he statute or administrative policy must be intended to prevent the injury suffered." *Id.,* § 3106(i). The civil complaint shows the plaintiff attempting to refer the court to the administrative policies by which the defendant is bound through a quotation from the StudsPerSecond handbook. Paragraph 10 reads "the punishment listed for inactivity in the StudsPerSecond handbook section 115.4 is a "Recorded Warning", [sic] with section 116 following stating that an employee who has more than three recorded warnings shall be terminated." RSC-CV-832. To describe how he did not receive appropriate punishment as it pertained to StudsPerSecond's policies on inactivity, the plaintiff cited two sections from the company's handbook. The plaintiff's neglect towards explaining, even briefly, how these facts related to the tort of negligence per se prohibits us from understanding how the defendant is responsible for the alleged harm experienced by the plaintiff. It is not the job of the defendant or the court to guess how the facts and torts are related—that duty rests with the plaintiff. Even if we respected all of the plaintiff's factual allegations and took them as true, the plaintiff would have to demonstrate how those facts related to the alleged injury suffered and thereby the tort in question. "At the pleading stage, general factual allegations of injury resulting from the defendant's conduct may suffice." *Lewis* v. *Casey*, 518 U. S. 343 (1996) (quoting *Lujan* v. *Defenders of*

Wildlife, 504 U. S. 555, 561 (1992)). While the facts in the civil complaint are straightforward and for the most part, general, they suffice on their own as factual allegations. It is the plaintiff's inability to tie these facts to the tort of negligence per se by explaining the defendant's duty of care to him and how certain administrative policies—in this case, shown in the StudsPerSecond handbook—were designed to prevent the alleged injury that makes the civil complaint fall short of stating a claim. "The plausibility standard [under *Bell Atlantic Corp.* v. *Twombly,* 550 U. S. 544 (2007)] is not akin to a 'probability requirement,' but it asks for more than a sheer possibility that a defendant has acted unlawfully." *Iqbal,* 556 U. S., at 678 (quoting *Twombly, supra,* at 556). "Where a complaint pleads facts that are merely consistent with a defendant's liability, it stops short of the line between possibility and plausibility of entitlement to relief." *Ibid.* (internal quotation marks omitted). That is the case here.

Therefore, the prerequisites for a civil complaint have not been met in *xLaZerify*.

B – Analysis of *epidermisgupta69* Civil Complaint

When looking at the civil complaint in *epidermisgupta69*, we notice many of the shortcomings evident in *xLaZerify*. In the civil complaint, the plaintiff states several facts which, while detailed and attempt to attach the defendant to the alleged tortious behavior, fail to completely demonstrate how all the elements of official misconduct were fulfilled. See *epidermisgupta69* v. *iCitruzx*, RSC-CV-856 (Super. Ct.). The civil complaint would need to have facts such that, if accepted as true, "state a claim to relief that is plausible on its face." *Ashcroft* v. *Iqbal, supra*, at 570. The plaintiff would have to indicate that the defendant "commit[ed] an act relating to his office but [that] constitutes an unauthorized exercise of his official functions, knowing that such act is unauthorized; or refrains from performing a duty which is

imposed upon him by law or is clearly inherent in the nature of his office." See 1 R. Stat. § 3114. In the civil complaint, the plaintiff went as far as to cite the Ridgeway State Police Department Policy Guide, stating in paragraph 28: "[t]he Ridgeway State Police Department Policy Guide, in detailing policy for on-duty law enforcement officers, states that 'All employees within the Ridgeway State Police shall only exercise authorities as granted to them by legal statutes, as provided by the State Senate and approved by the Governor.' (Plaintiff's Exhibit B, Page 6, 100-2)" (internal emphasis omitted). See RSC-CV-856. This paragraph can be reasonably construed to apparently set the foundation for explaining how the defendant sidestepped his duties and effected an allegedly illegal search.

However, perusing down the civil complaint, paragraph 31 reads: "[w]hile the defendant was performing an act apparently related to his duties as a public servant, he knowingly and intentionally effected an illegal search of the plaintiff, which constituted an unauthorized exercise of his official functions, in violation of 1 R. Stat. § 3114." Here, we see yet another example of a "formulaic recitation of elements of a cause of action" that simply "will not do." *Twombly, supra*, at 555. There is no attempt to scratch the surface of the tort and potentially explain how the defendant knowingly and intentionally committed an action outside of the purview of his defined duties. While paragraph 31 may be considered valid as a factual statement if the defendant conducted an illegal search, the plaintiff did not explain if the defendant intended to perform an illegal search and was fully aware of it. Again, "while legal conclusions can provide the framework of a complaint, they must be supported by factual allegations." *Iqbal, supra*, at 679. Factual allegations and strong legal conclusions go hand in hand—one cannot survive without the other to adequately form a sound civil complaint. The plaintiff can claim that the defendant acted intentionally but they must go beyond

the basics to prove that intent was present, especially if the tort requires it. The civil complaint here does not adequately marry the factual allegations with legal conclusions that address all parts of the tort in question.

Even if this Court were to "liberally construe" the civil complaint since it was submitted by a *pro se* plaintiff, it would be harmful to give such leeway to the plaintiff that an omission of legal conclusions with respect to all elements of the tort could be overlooked. *Estelle* v. *Gamble*, 429 U. S. 97 (1976). This is not to say that many of the alleged facts did not show some attempt to depict a correlation between the defendant's actions and tortious conduct. However, the civil complaint simply did not address all elements of the tort, such as intent. No amount of loose reading of the civil complaint in its current state could amend this deficiency. Therefore, the prerequisites for a civil complaint have not been met in *epidermisgupta69*.

II

Having answered the second question and found that the prerequisites for a civil complaint were not met in *xLaZerify* and *epidermisgupta69*, we can now assess how inadequate civil complaints ought to be handled. The first question asks if insufficiently pleaded facts in a civil complaint should only result in a dismissal with prejudice. Judging from the nature of the question, it can be comfortably agreed upon that a civil complaint with insufficiently pleaded facts should be rejected by a court. Additionally, claims can be outright dismissed if they do not entitle the plaintiff to relief. *Iqbal, supra*. A court can act within its own discretion when choosing to dismiss a charge or case with or without prejudice. *United States* v. *Taylor*, 487 U. S. 326 (1988). The United States Supreme Court found that a district court was correct in dismissing a particular action without prejudice. *Heck* v. *Humphrey*, 512 U. S. 477 (1994).

The lower court can exercise its discretion when choosing

to dismiss a civil complaint, and in effect, an entire civil case, with or without prejudice. The issues found in the civil complaints of *xLaZerify* and *epidermisgupta69* are not dire enough to the point where a dismissal with prejudice would necessarily be warranted. A dismissal without prejudice could give enough room for the errors of the civil complaints to be corrected in a timely fashion before a case is refiled. The lower court is afforded the ability to utilize the findings of the Court, in this case, to come to a determination as to how a faulty civil complaint should be handled in each case as it pertains to prejudice applied to the dismissal. *Link* v. *Wabash R. Co.*, 370 U. S. 626 (1962). Dismissing a case with prejudice would indicate that there is something so gravely wrong with the plaintiff's assertions in their complaint that such a case should never return to the court. As this Court analyzed the civil complaints of both *xLaZerify* and *epidermisgupta69*, we recognized the various attempts at addressing the elements of the respective torts in question. There should be no reason why, with a dismissal without prejudice, the plaintiffs can not make minor adjustments to yield sound civil complaints.

* * *

We find that insufficiently pleaded facts in a civil complaint can result in a dismissal of such complaint or case with or without prejudice at the discretion of the lower court. The prerequisites for a civil complaint were not met in either xLaZerify or epidermisgupta69. We therefore answer both questions in the negative.

It is so ordered.