

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
WASHINGTON

**Odai S. Albayati v. Cascade Windows, Cornerstone Building Brands,
Simonton Industries, and Simonton Windows**

Albayati · No. No. 2:25-CV-0120-TOR · Decided February 12, 2026

SUMMARY

The United States District Court for the Eastern District of Washington granted Defendants’ Rule 12(b)(6) motion to dismiss Odai S. Albayati’s claims against Cascade Windows, Cornerstone Building Brands, Simonton Industries, and Simonton Windows. The court found that Plaintiff failed to allege facts supporting any claim and dismissed the action with prejudice after previously allowing an opportunity to amend.

CASE DETAILS

COURT	United States District Court for the Eastern District of Washington
WRITING FOR THE COURT	Thomas O. Rice
JURISDICTION	United States District Court for the Eastern District of Washington
DECIDED	February 12, 2026
DOCKET	No. 2:25-CV-0120-TOR
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendants moved to dismiss Plaintiff's Second Amended Complaints under Federal Rule of Civil Procedure 12(b)(6). Plaintiff did not respond. The court granted the motion with prejudice.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains sufficient factual matter to state a claim for relief that is plausible on its face.
PRECEDENTIAL VALUE	unknown
PARTIES	Odai S. Albayati v. Cascade Windows, Cornerstone Building Brands, Simonton Industries, Simonton Windows

TOPICS

motions to dismiss

pleadings

civil procedure

commercial litigation

construction law

PRACTICE AREAS

civil procedure

commercial litigation

construction law

QUESTIONS PRESENTED

1. Whether Plaintiff's Second Amended Complaints stated any claim for relief that was plausible on its face under Federal Rule of Civil Procedure 12(b)(6).
2. Whether dismissal should be with prejudice after Plaintiff had already been given an opportunity to amend.

HOLDINGS

1. The complaints failed to state any claim because they did not allege facts supporting the elements required for Plaintiff's claims.
2. Dismissal with prejudice was appropriate because the court had already given Plaintiff an opportunity to amend.

KEY QUOTATIONS

“a complaint must contain sufficient factual matter, accepted as true, “to state a claim to relief that is plausible on its face.”” (at 3-6)

“more than a simple “formulaic recitation of a cause of action’s elements.”” (at 6-7)

FACTUAL BACKGROUND

Plaintiff filed two Second Amended Complaints against Cascade Windows, Cornerstone Building Brands, Simonton Industries, and Simonton Windows. The court concluded that the pleadings did not contain facts supporting the elements of any asserted claim. Plaintiff had previously been given an opportunity to amend and did not respond to Defendants' motion to dismiss.

PROCEDURAL HISTORY

Plaintiff filed two Second Amended Complaints on October 24 and October 27, 2025. Defendants then moved to dismiss. The court considered the motion without oral argument, found that Plaintiff failed to state any claim, and dismissed the action with prejudice after noting that Plaintiff had already been given an opportunity to amend.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 545, 570 (2007)

OPINION

Albayati

PER CURIAM.

1 U.S. F D I L I S E T D R I I N C T T H C E O U R T
EASTERN DISTRICT OF WASHINGTON

2 Feb 12, 2026

SEAN F. MCAVOY, CLERK

3

4 UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

5

6 ODAI S. ALBAYATI,
NO. 2:25-CV-0120-TOR

7 Plaintiff,

ORDER GRANTING DEFENDANTS’

8 v. MOTION TO DISMISS

9 CASCADE WINDOWS,
CORNERSTONE BUILDING

10 BRANDS, SIMONTON
INDUSTRIES, AND SIMONTON

11 WINDOWS

12 Defendants. 13 BEFORE THE COURT is Defendants’ Motion to Dismiss (ECF No. 25).

14 This matter was submitted for consideration without oral argument. The Court has 15 reviewed
the record and files herein and is fully informed. Plaintiff has not 16 responded to the Motion to
Dismiss.

17 BACKGROUND

18 Plaintiff filed two Second Amended Complaints in this case on October 24 19 and 27, 2025.
ECF Nos. 23 and 24. 20 //

1 DISCUSSION

2 For a plaintiff to survive a motion to dismiss under Rule 12(b)(6), “a complaint must contain
sufficient factual matter, accepted as true, “to state a claim 4|| to relief that is plausible on its
face.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) 5|| (quoting Bell Atl. Corp. v. Twombly, 550
U.S. 544, 570 (2007)). This requires 6|| more than a simple “formulaic recitation of a cause of
action’s elements.” 7|| Twombly, 550 U.S. at 545. 8 Plaintiff has failed to state any claim. Here,
Plaintiff does not state facts 9|| supporting the elements required for any of his claims. As a result,

Plaintiff fails to 10|| state a claim. 11 The Court already gave Plaintiff the opportunity to amend. ACCORDINGLY, IT IS HEREBY ORDERED: 13 1. Defendants' Motion to Dismiss (ECF No. 25) is GRANTED with 14 prejudice. 15 2. All other motions are DENIED as moot. 16 The District Court Executive is directed to enter this Order and furnish 17|| copies to counsel and CLOSE the file. DATED February 12, 2026.

20 a 7 THOMAS O. RICE

United States District Judge