

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

OPINION

1 U.S. F D IL IS 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