



## Opinion 576

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**Opinion Title:** 05/23/2014 PUBLISHED Hunt v. Steffensen (In re Steffensen), 13-2192, Judge Thurman.

**Body:**

The Defendant filed a motion to dismiss the Plaintiff's complaint, which the Court treated as a motion for summary judgment pursuant to Fed. R. Civ. P. 12(d), yet permitting the Defendant to argue his motion merged with a motion for summary judgment. After the parties submitted additional briefing, the Court examined the Defendant's revised motion separately under Fed. R. Civ. P. 12(b)(6) and 56. The Defendant provided sworn statements of fact with his revised motion, which he argued contradicted the factual allegations in the complaint, requiring it to be dismissed. The Court held to the contrary, reasoning that all well-pleaded factual allegations in a complaint are assumed true on a motion to dismiss, which is not a proper means to contest the truthfulness of the allegations.

**File:**  [576.pdf](#) [1]

**Judge:** [Judge William T. Thurman](#) [2]

**Date:** Friday, May 23, 2014

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