

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

ALISA JOHNSON, LAURA DAY, and  
KOREY THOMAS,

Plaintiffs,

v.

ACTIVEHOURS, INC. d/b/a EARNIN,

Defendant.

Case No. 1:24-cv-02283-JRR

---

**DEFENDANT ACTIVEHOURS, INC.'S MOTION TO DISMISS  
PLAINTIFFS' FIRST AMENDED COMPLAINT**

In accordance with Federal Rules of Civil Procedure 9 and 12, as well as *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009), Defendant Activehours, Inc. d/b/a EarnIn ("Defendant") hereby submits this Motion to Dismiss Plaintiffs' First Amended Complaint for failure to state a claim upon which relief can be granted. In support of this Motion, Defendant incorporates its Memorandum in Support of the Motion to Dismiss Plaintiffs' First Amended Complaint filed concurrently herewith.

WHEREFORE, FOR THESE REASONS and as more fully set forth in Defendant's supporting memorandum of law, Defendant respectfully requests that this Court enter an order granting Defendant's Motion to Dismiss Plaintiffs' First Amended Complaint.

A Proposed Order is attached.

Dated: November 14, 2024

Respectfully submitted,

/s/ Jason C. Rose

Jason C. Rose (Bar No. 27684)

Raquel L. Flynn (Bar No. 30591)

VENABLE LLP

750 E. Pratt Street, Ste. 900

Baltimore, Maryland 21202

Telephone: (410) 244-7553  
Facsimile: (410) 244-7742  
JCRose@Venable.com  
RLFlynn@Venable.com

*Attorneys for Defendant Activehours, Inc.*

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 14th day of November 2024, a true and correct copy of the foregoing was filed electronically with this Court's CM/ECF system, which provided a copy to all counsel of record in this action.

*s/ Jason C. Rose*

Jason C. Rose