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and YOUTUBE, LLC

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

VICTOR WALKINGEAGLE and NATHAN
BRIGGS, on behalf of themselves and all other
similarly situated,

Plaintiffs,

v.

GOOGLE LLC, d/b/a YOUTUBE, a Delaware
limited liability company, and YOUTUBE,
LLC, a Delaware limited liability company,

Defendants.

Case No.: 3:22-cv-00763-MO

**DEFENDANTS GOOGLE LLC, d/b/a
YOUTUBE and YOUTUBE, LLC'S
MOTION TO DISMISS PLAINTIFFS'
FIRST AMENDED COMPLAINT**

Oral Argument Requested

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LOCAL RULE 7.1(a) COMPLIANCE

Pursuant to Local Rule 7.1(a), counsel for Defendants GOOGLE LLC, d/b/a YOUTUBE, and YOUTUBE, LLC (“Defendants”) conferred in good faith via telephone with counsel for Plaintiffs VICTOR WALKINGEAGLE and NATHAN BRIGGS (“Plaintiffs”) regarding this motion. The parties were unable to resolve their dispute.

MOTION

Pursuant to Federal Rule of Civil Procedure 12(b)(6), Defendants hereby move to dismiss Plaintiffs’ Amended Complaint (“Amended Complaint” or “Am. Compl.”) on the ground that it fails to state a claim upon which relief may be granted. This Motion is supported by the Memorandum of Law below.

MEMORANDUM OF POINTS AND AUTHORITIES

INTRODUCTION

Plaintiffs’ Amended Complaint relies on disclosure requirements found nowhere in Oregon’s Automatic Renewal Law (“ARL”), ORS 646A.295, or Free Offer Law (“FOL”), ORS 646.644. Plaintiffs resort to invented requirements and conclusory allegations because they cannot show a violation of the actual provisions of these statutes.

The ARL and FOL are complementary and straightforward—and YouTube complied with both statutes. YouTube clearly and conspicuously discloses the membership program consumers are signing up for, the cost of that membership, when recurring billing starts, and that they can cancel online at any time. This information is presented in easy to understand, simple terms, in contrasting sizes and type, and all of it is close to the button a consumer “clicks” to confirm their membership. The same information is contained in an email along with a link to cancel.

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