

**UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

RAUL MORALES,

Plaintiff,

v.

CAPITAL ONE FINANCIAL
CORPORATION, *et al.*,

Defendants.

Case No.: 1:21-cv-1454-AJT-IDD

ORDER

This matter is before the Court on Defendants' Motion to Dismiss the Complaint [Doc. No. 18]. Upon consideration of the Motion, the memoranda in support thereof and in opposition thereto, the arguments of counsel at the hearing held on May 27, 2022, and for the reasons stated in open court, it is hereby

ORDERED that Defendants' Motion to Dismiss the Complaint [Doc. No. 18] is GRANTED; it is further

ORDERED that Count I of Plaintiff's Complaint is DISMISSED for lack of Article III standing as to the claims based on the three investment options that Plaintiff did not invest in; it is further

ORDERED that Count I of Plaintiff's Complaint is DISMISSED for failure to state a claim as to the claims based on excessive recordkeeping fees; it is further

ORDERED that Count II of Plaintiff's Complaint is DISMISSED; and it is

ORDERED that Plaintiff may file an Amended Complaint as to the Count I recordkeeping fees claim and Count II with fourteen (14) days of the date of this Order.



Anthony J. Trenga
United States District Judge

Alexandria, Virginia
May 27, 2022