

*Twombly and Iqbal*¹

Tom W. Bell²

3/4 time, jauntily.

Intro: D Am

Verse 1

You	D claim that I	D wronged you.	You	Am blame me for	Am sorrow.	
You	C claim that I	C owe you.	But	G you can't show	G why.	
	D Even as-	D suming the		Am facts as you	Am state them,	
Com-	C plaints so im-	C plausible		C+4 are not	F worth a	E try.

Verse 2

E-	Pasting on la- Gives you no nough with your Kiss your com-	bles and power to rip lying, your plaint and	spelling out into my preaching, your my sweet	rules life. prying. ass good-	bye!
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¹ In *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), the U.S. Supreme Court interpreted the federal rules of civil procedure to authorize dismissal of a complaint that, because it merely recites the elements of a cause of action and offers only labels and legal conclusions, does not state a plausible claim for relief.

² Version 2015.04.29 (C) 2015 Tom W. Bell. Sponsored by Tarron Wallace and the *Twikbal* Alliance for 2015 PILF fundraiser. First performance: Property II class on April 27, 2015.

Refrain

	G	G	Em	Em
	<i>Twombly</i> and	<i>Iqbal</i> or	<i>Iqbal</i> and	<i>Twombly</i> ,
Co-	G	G	Em	Em
	llectively,	" <i>Twiqbal</i> " (not	" <i>Twombal</i> " or	" <i>Iqbly</i> ")—
What-	C	C	D	D
	ever you	call them, they	make pleading	tricky.
	G	G	Em	Em
	<i>Twombly</i> and	<i>Iqbal</i> or	<i>Iqbal</i> and	<i>Twombly</i> ,
Co-	G	G	Em	Em
	llectively,	" <i>Twiqbal</i> " (not	" <i>Twombal</i> " or	" <i>Iqbly</i> " —
Will	C	C	D	D
	shut you down,	shut you up,	pretty damned	quickly.

Verse 3

F-	RCP	8(a)(2)	scares off	few claimants.	
	<i>Twombly</i> and	<i>Iqbal</i> give	12(b)(6)	bite.	
They	say alle-	gations must	plausibly	make for	
A	right to re-	lief, or	there's no-	thing to	fight.

Refrain

Bridge (*verse instrumental*)

Refrain

Coda

	G	G	Em	Em
	<i>Twombly</i> and	<i>Iqbal</i> or	<i>Iqbal</i> and	<i>Twombly</i> .
	<i>Twombly</i> and	<i>Iqbal</i> or	<i>Iqbal</i> and	<i>Twombly</i> .

G

Fin

Chord guide (in order of appearance):

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- | --- | --- | --- | -
- | -1- | --- | --- | -
- | --- | -2- | --- | -
- | --- | --- | -3- | -
x- | --- | --- | --- | -
x- | --- | --- | --- | -
    3   4   5

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C sus4 6th w3 no5 ("C4+")

Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 555 (2007):

Federal Rule of Civil Procedure 8(a)(2) requires only “a short and plain statement of the claim showing that the pleader is entitled to relief,” in order to “give the defendant fair notice of what the . . . claim is and the grounds upon which it rests,” *Conley v. Gibson*, 355 U. S. 41, 47 (1957). While a complaint attacked by a Rule 12(b)(6) motion to dismiss **does not need detailed factual allegations**, *ibid.*; *Sanjuan v. American Bd. of Psychiatry and Neurology, Inc.*, 40 F. 3d 247, 251 (CA7 1994), a plaintiff’s obligation to provide the “grounds” of his “entitle[ment] to relief” requires **more than labels and conclusions**, and a **formulaic recitation of the elements of a cause of action will not do**, see *Papasan v. Allain*, 478 U. S. 265, 286 (1986) (on a motion to dismiss, courts “are not bound to accept as true a legal conclusion couched as a factual allegation”). **Factual allegations** must be enough to raise a right to relief **above the speculative level . . .**

Ashcroft v. Iqbal, 556 U.S. 662, 678-79 (2009):

Two working principles underlie our decision in *Twombly*. First, the tenet that a court must accept as true all of the allegations contained in a complaint is inapplicable to legal conclusions. . . . Second, only a complaint that states a **plausible claim for relief** survives a motion to dismiss. . . .

In keeping with these principles a court considering a motion to dismiss can choose to begin by identifying pleadings that, because they are **no more than conclusions, are not entitled to the assumption of truth**. While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations. **When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief.**