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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ALLEN C. HASSAN,

Plaintiff,

v.

No. CIV. S-13-1942 LKK/KJN

ORDER

THE UNITED STATES OFFICE OF
FOREIGN ASSETS AND CONTROLS
(OFAC); ADAM SZUBIN, Director
of OFAC; ERIC HOLDER,
(Attorney General of the
United States); CORELOGIC
CREDCO; EQUIFAX EXPERIAN;
TRANSUNION; and Does 1
through 20,

Defendants.

Plaintiff Allen C. Hassan has sued defendants U.S. Department of Treasury Office of Foreign Control ("OFAC"), OFAC Director Adam Szubin, U.S. Attorney General Eric Holder, Corelogic Credco, Equifax Information Services, LLC ("Equifax"), Experian Information Solutions, Inc. ("Experian"), and Trans Union, LLC ("Trans Union"), alleging violations of the federal Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* ("FCRA") and the California Consumer Credit Reporting Agencies Act, Cal. Civ.

1 Code § 1785.1 *et seq.* ("CCRAA"). Plaintiff also asserts
2 California state law claims for defamation, false light invasion
3 of privacy, and negligence.

4 Trans Union filed a motion to dismiss this action under
5 Federal Rules of Civil Procedure 8 and 12(b)(6). (ECF No. 13.)
6 Plaintiff filed an opposition (ECF No. 23), and Trans Union
7 replied (ECF No. 25). The court took the motion under submission.
8 (Order, ECF No. 24.)

9 Having reviewed the parties' filings in support of, and in
10 opposition to, this motion, the court has determined that Trans
11 Union's motion should be granted. Only three paragraphs of the
12 complaint refer to Trans Union:

13 19. Upon information and belief, Trans Union,
14 Inc., ("Trans Union") is a corporation
15 incorporated under the laws of the State of
16 Ohio authorized to do business, and doing
business, in the State of California and the
Counties of Sacramento and Placer.

17 20. Upon information and belief, Trans Union
18 is a "consumer reporting agency," regularly
19 engaged in the business of assembling,
20 evaluating, and disbursing information
21 concerning consumers for the purpose of
furnishing consumer reports to third parties,
as defined in 15 U.S.C. § 1681a(f) and Cal.
Civ. Code § 1785.3(d).

22 21. Upon information and belief, Trans Union
23 disburses such consumer reports to third
24 parties under contract for monetary
compensation.

25 Nowhere to be found is any allegation of wrongdoing by Trans
26 Union. The allegations newly raised by plaintiff in his
27 opposition do not appear in his complaint and may not be
28 considered by the court in deciding this motion. See Fed. R. Civ.

1 P. 15; Local Rule 220. As such, the complaint fails to provide
2 Trans Union with notice of the claim against it, as required by
3 Rule 8. Therefore, dismissal under Rule 12(b)(6), for failure to
4 state a claim upon which relief may be granted, appears
5 warranted. However, plaintiff will be permitted to amend his
6 complaint to cure any pleading defects.

7 One other matter requires the court's attention. Defendants
8 OFAC, Adam Szubin, and Eric Holder (the "Federal Defendants")
9 previously moved to dismiss the complaint. (ECF No. 21.) When
10 plaintiff failed to file an opposition or statement of non-
11 opposition to their motion, the court ordered plaintiff to show
12 cause as to why he "should not be sanctioned in accordance with
13 Local Rule 110, including a fine of \$150.00 and/or an order
14 dismissing the lawsuit, for his failure to respond to the federal
15 defendants' dismissal motion in a timely manner." (ECF No. 24.)
16 Plaintiff failed to file either a response to this order to show
17 cause or an opposition or statement of non-opposition, so the
18 court dismissed the Federal Defendants from the action with
19 prejudice, but did not levy any monetary sanctions. (ECF No. 28.)
20 Plaintiff nevertheless mistakenly paid \$150.00 to the Clerk of
21 the Court in March 2014. This money should be returned to
22 plaintiff.

23 In light of the foregoing, the court hereby orders as
24 follows:

25 [1] Defendant Trans Union, LLC's motion to dismiss is
26 GRANTED without prejudice.

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[2] Plaintiff Allen C. Hassan is GRANTED leave to file a first amended complaint no later than thirty (30) days after docketing of this order.

[3] The Clerk of the Court is DIRECTED to send a check, payable to Allen C. Hassan, in the amount of \$150.00, to plaintiff's address of record.

IT IS SO ORDERED.

DATED: June 13, 2014.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT