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6	IN THE UNITED STATES DISTRICT COURT
7	FOR THE DISTRICT OF ARIZONA
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9	Underdog Trucking, LLC and Reggie) No. CV-10-521-PHX-LOA Anders,
10	Plaintiffs,
11	VS.
12	Arizona Federal Credit Union; Western)
13	International,
14	Defendants.
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16	This matter arises on the Motion of Defendant Arizona Federal Credit Union
17	("AZFCU") to Dismiss Claims by Underdog Trucking, LLC for Failure to State a Claim and
18	Motion to Dismiss Count One. (docket # 5) The undersigned Magistrate Judge has jurisdiction
19	over these motions because all parties have consented in writing to magistrate-judge jurisdiction
20	pursuant to 28 U.S.C. § 636(c)(1). (docket ## 11, 17, 19) As discussed below, these motions
21	are easily resolved because AZFCU has withdrawn its Motion to Dismiss Claims against
22	Underdog Trucking, and Plaintiffs stipulate to granting AZFCU's Motion to Dismiss Count
23	One.
24	On March 8, 2010, Plaintiffs filed suit, invoking this Court's federal question
25	jurisdiction under 28 U.S.C. § 1331 and supplemental jurisdiction under 28 U.S.C. § 1367
26	over their state law claims. Plaintiffs allege violations of the Fair Debt Collection Practices
27	Act, 15 U.S.C. § 1692 ("FDCPA"); the Gramm-Leach-Bliley Act, 15 U.S.C. § 6801, et seq.,
28	and assert several state law claims. (docket # 1) The Complaint was filed by Reggie Anders

("Anders") who purported to represent himself and Underdog Trucking, LLC ("Underdog").
Because Anders did not appear to be a lawyer licensed to practice law in the State or
District of Arizona, on March 11, 2010, the Court directed Plaintiff Underdog to retain a
properly licensed lawyer to file an Amended Complaint, or authorized Plaintiff Anders to
file an Amended Complaint, asserting claims only on his behalf. (docket # 4)

On March 29, 2010, AZFCU filed the pending Motion to Dismiss Claims by 6 7 Underdog Trucking, LLC for Failure to State a Claim and Motion to Dismiss Count One. 8 (docket # 5) Apparently prompted by the Court's March 11, 2010 Order, AZFCU moved to 9 dismiss the claims brought by Underdog because it is a legal entity and cannot represent 10 itself in a legal action nor can its member, Reggie Anders. (Id.) (citing Boydstone v. Strole Development Co., 193 Ariz. 47, 49, 969 P.2d 653, 655 (Ariz. 1998)). Defendant AZFCU 11 also moved to dismiss Count One of the Complaint because AZFCU is a not a "debt 12 collector" for purposes of the FDCPA and, therefore, the FDCPA does not apply to AZFCU. 13 (docket # 5)14

In response to the March 11, 2010 Order, on April 9, 2010, Plaintiffs Underdog 15 and Anders, represented by counsel Emilie Bell, filed an Amended Complaint.¹ (docket # 16 17 14) Because AZFCU's Motion to Dismiss was filed before the Amended Complaint, the Court directed AZFCU to clarify whether the Amended Complaint had rendered any of the 18 19 asserted grounds for dismissal moot. (docket # 21) In response to the Court's Order, on 20 May 4, 2010, AZFCU filed a Notice of Withdrawal of its Motion to Dismiss Claims by 21 Underdog Trucking, LLC for failure to state a claim. (docket # 23) In view of AZFCU's 22 Notice of Withdrawal, the Court will direct the Clerk of Court to terminate AZFCU's Motion to Dismiss Claims by Underdog Trucking for Failure to State a Claim. (docket # 5) 23

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 ¹ Plaintiffs filed two copies of the Amended Complaint which appear at docket # 14 and
²⁶ # 15. It is unclear why Plaintiffs filed duplicates of the Amended Complaint. The Court will
²⁷ rely on the Amended Complaint at docket # 14 and, to avoid confusion, will direct the Clerk of
²⁸ Court to strike the duplicate Amended Complaint, docket # 15. *See* Fed.R.Civ.P. 12(f)(1)
²⁸ (authorizing the Court, "on its own," to strike any "redundant" matter.")

1	In the May 4, 2010 Notice, AZFCU also advised the Court that it was not
2	withdrawing its "Motion to Dismiss Count One." (docket # 23) Thereafter, on May 12,
3	2010, Plaintiffs filed a Response to Arizona Federal Credit Union's Motion to Dismiss
4	Count One. (dockets ## 27, 28 ²) In their response, Plaintiffs "stipulate" to granting
5	AZFCU's Motion to Dismiss Count One. (Id.) AZFCU has not replied to Plaintiffs'
6	stipulation. In view of Plaintiffs' unopposed stipulation to granting AZFCU's Motion to
7	Dismiss Count One, the Court will grant AZFCU's Motion to Dismiss Count One.
8	In accordance with the foregoing,
9	IT IS ORDERED that, in view of AZFCU's notice of withdrawal, docket # 23,
10	the Clerk of Court shall terminate Defendant AZFCU's Motion to Dismiss Claims by
11	Underdog Trucking, LLC for Failure to State a Claim. (docket # 5)
12	IT IS FURTHER ORDERED that, in view of Plaintiffs' stipulation (docket ##
13	27, 28), Defendant AZFCU's Motion to Dismiss Count One, docket # 5, is GRANTED and
14	that Plaintiffs' allegations against AZFCU in Count One of the First Amended Complaint,
15	docket # 14, are hereby DISMISSED .
16	IT IS FURTHER ORDERED that the Clerk of Court shall Strike Plaintiffs' First
17	Amended Complaint, which appears at docket # 15, as duplicative.
18	DATED this 21 st day of May, 2010.
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21	Lawrence O. Anderson United States Magistrate Judge
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27	² Docket # 27 is Plaintiffs' Response to Arizona Federal Credit Union's Motion to
28	Dismiss Count One. Docket # 28 is a duplicate of that response.