

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT

7

FOR THE DISTRICT OF ARIZONA

8

9

Don M. Wisdom and Eloise Wisdom,
husband and wife,

No. CV-10-2400-PHX-GMS

10

Plaintiffs,

ORDER

11

vs.

12

13

Wells Fargo Bank NA,

14

Defendant.

15

16

Pending before the Court is Plaintiffs’ Motion for Reconsideration. (Doc. 94). For the reasons discussed below, the motion is denied.

18

BACKGROUND

19

The facts in this case are set forth in the order granting Defendant Wells Fargo Bank’s Motion for Partial Dismissal. (Doc. 93). In that Order, the Court found that losses sustained by Stand World, Plaintiff Don Wisdom’s business entity, could not be recovered in a claim alleging violations under the Fair Credit Reporting Act (“FCRA”) because a business is not a “consumer” under the FCRA, and because Stand World is not a party to this action. (*Id.*). Plaintiff now claims that “Stand World and Don Wisdom operate as one entity,” that “[t]here isn’t any realistic separation of interests, finances or objectives,” and that “[n]one of the customary formalities are observed.” (Doc. 94 at 2–3). Plaintiff alleges that because he fails to observe the corporate formalities, “[a]ny losses suffered by Stand World were also direct losses to Don Wisdom” and should be recoverable as consumer losses under FCRA (*Id.*).

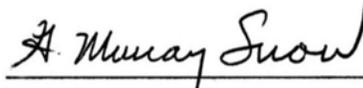
28

1 (Id.).

2 If Plaintiff's description of his business is accurate, he is undoubtedly correct that "if
3 a judgment were entered against Stand World and Stand World could not pay the judgment,
4 the creditor could collect from Don Wisdom in an alter ego claim." (Doc. 94). Abuse of the
5 corporate form grants creditors the right to recover from the abusing shareholder. Plaintiffs
6 offer no authority, however, suggesting that an abusing shareholder has the right to recover
7 the corporation's losses as though they were personal losses. Plaintiff cannot recover Stand
8 World's losses based upon the theory that he has misused the corporate form. The motion for
9 reconsideration is denied.

10 **IT IS THEREFORE ORDERED** that Plaintiffs' Motion for Reconsideration (Doc.
11 94) is **denied**.

12 DATED this 25th day of January, 2012.

13
14 
15 _____
16 G. Murray Snow
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28