

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
**CIVIL MINUTES – GENERAL**

JS-6

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Case No.	CV16-2265-CAS(FFMx)	Date	January 27, 2016
Title	<i>Nathaniel J. Friedman v. U.S. Bank National Association, et al.</i>		

Present: The Honorable CHRISTINA A. SNYDER, U.S. DISTRICT JUDGE

Connie Lee

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

N/A

N/A

**Proceedings:** (IN CHAMBERS) - DEFENDANT VERIPRISE PROCESSING SOLUTIONS, LLC’S MOTION TO DISMISS [106] (filed 12/28/16)

The Court finds this motion appropriate for decision without oral argument. See Fed. R. Civ. P. 78; C.D. Cal. Local Rule 7-15. Accordingly, the hearing date of January 30, 2017 is vacated, and the matter is hereby taken under submission.

On December 28, 2016 defendant Veriprise Processing Solutions, LLC (“Veriprise”) filed a motion to dismiss plaintiff’s second amended complaint (“SAC”) for failure to state a claim on which relief may be granted. Dkt. 106. Veriprise requests that the Court dismiss the SAC with prejudice. *Id.* at 2. On January 4, 2017, plaintiff Nathaniel J. Friedman filed an opposition in which he stated that he would submit to Veriprise’s motion to dismiss the SAC with prejudice on the condition that the Court state: “It is to be emphasized that this judgment is based upon the pleadings only, as no factual (evidentiary) determination herein has been made.” Dkt. 108.<sup>1</sup>

A motion to dismiss pursuant Federal Rule of Civil Procedure 12(b)(6) tests the legal sufficiency of the claims asserted in a complaint, not plaintiff’s evidence. Therefore, this judgment is made upon the pleadings only.

Accordingly, the Court **GRANTS** Veriprise’s motion to dismiss and **DISMISSES** plaintiff’s claims with prejudice.

IT IS SO ORDERED.

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<sup>1</sup> The parties are familiar with the detailed background of the case, which can be found in the Court’s prior orders.