

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.: SA CV 16-01810-AB (GJSx)

Date: October 6, 2016

Title United Poultry Concerns v. Chabad of Irvine et al.

Present: The Honorable **ANDRÉ BIROTTE JR., United States District Judge**

Carla Badirian
Deputy Clerk

N/A
Court Reporter

Attorneys Present for Plaintiffs:

None Appearing

Attorneys Present for Defendants:

None Appearing

Proceedings: [In Chambers] Order To Show Cause Regarding Dismissal for Lack of Standing

Plaintiff(s) are ORDERED to show cause why this case should not be dismissed, for lack of statutory standing under California's Unfair Competition Law ("UCL"), Business and Professions Code section 17200. Standing under the UCL extends to "a person who has suffered injury in fact and has lost money or property as a result of the unfair competition[.]" Cal. Bus. & Prof. Code § 17204. In order to show standing under the UCL a party must: "(1) establish a loss or deprivation of money or property sufficient to qualify as injury in fact, i.e., economic injury, and (2) show that that economic injury was the result of, i.e., caused by, the unfair business practice or false advertising that is the gravamen of the claim." Kwikset Corp. v. Superior Court, 51 Cal. 4th 310, 322, (Cal. 2011).

Furthermore, attorney's fees do not satisfy the UCL standing requirement, because "If court costs and attorney's fees could satisfy the UCL standing requirement, then the standing requirement would be meaningless "because 'any plaintiff filing suit would be allowed to show injury.'" Hernandez v. Specialized Loan Servicing, LLC, No. 14-CV-9404-GW(JEMx), 2015 U.S. Dist. LEXIS 8695, at *24-*25, (C.D. Cal. Jan. 22, 2015)(quoting Koller v. W. Bay Acquisitions, LLC, No. 11-CV-117-CRB, 2012 U.S. Dist. LEXIS 49712, at *20-*21 (N.D. Cal. Apr. 9, 2012) (Selby v. Bank of Am., Inc., No. 09-CV-2079-BTM(JMAX), 2010 U.S. Dist. LEXIS 139966, at *24 (S.D. Cal. Oct. 27, 2010).

In the present case, it appears that the plaintiff, United Poultry Concerns has not alleged an economic injury sufficient to satisfy the UCL standing requirements. Accordingly, the Court, on its own motion, orders plaintiff(s) to show cause, in writing, why this action should not be dismissed for lack of standing

by 8:00 a.m. on October 7, 2016. Pursuant to Rule 78 of the Federal Rules of Civil Procedure, the court finds that this matter is appropriate for submission without oral argument. The Order to Show Cause will stand submitted upon the filing of plaintiff's response. Failure to respond to this Order to Show Cause will be deemed consent to the dismissal of the action.

IT IS SO ORDERED.