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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANGELA SANCHEZ,  
  
                                Plaintiff,  
  
                                v.  
  
LAW OFFICE OF LANCE E. ARMO and  
LANCE E. ARMO,  
  
                                Defendants.

No. 1:20-cv-00163-NONE-SKO

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. No. 24)

On January 31, 2021, Plaintiff Angela Sanchez filed a complaint against Defendants Law Office of Lance E. Armo and Lance E. Armo, alleging that defendants violated the Fair Debt Collections Practices Act (“FDCPA”), 15 U.S.C. § 1682 *et seq.* and the California Unfair Competition Law (“UCL”), Cal. Bus. & Prof. Code § 17200 *et seq.* (Doc. 1.) Among other things, the complaint alleges defendants, a law firm engaged in debt collection, unlawfully pursued unlawful detainer actions against plaintiff even though plaintiff was not in arrears on her rent. (*Id.*)

On February 25, 2020, defendants filed a motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6), along with a motion to strike plaintiff’s state law claims as a strategic lawsuit against public participation (“SLAPP”) under California Code of Civil Procedure § 425.16. (Doc. No. 8.) The motion to dismiss and strike was referred to the assigned

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1 magistrate judge for the issuance of findings and recommendations on January 26, 2021. (Doc. No.  
2 23.)

3 On March 31, 2021, the assigned magistrate judge issued findings and recommendations  
4 recommending that defendants' motion to dismiss and strike be granted in part and denied in part.  
5 (Doc. No. 24.) Specifically, the magistrate judge recommended the motion to dismiss be granted  
6 to the extent plaintiff's FDCPA and UCL claims rely upon an asserted violation of 15 U.S.C. §  
7 1692d, which requires allegations of harassing conduct that are not set forth in plaintiff's  
8 complaint. (*Id.* at 12.) The findings and recommendations also recommended that the anti-  
9 SLAPP motion to strike be granted with respect to any claim premised upon § 1692d. (*Id.* at 23–  
10 24.) The magistrate judge also recommended that plaintiff be granted leave to amend her § 1692d  
11 claim and further recommended that defendants' motion to dismiss and strike be denied in all  
12 other respects as to all other theories of liability. (*See generally id.*) Finally, the magistrate judge  
13 recommended that defendants' motion for attorney's fees in connection with their anti-SLAPP  
14 motion to strike be denied, finding that such an award would be inappropriate given that any  
15 victory won by defendants at this stage of the litigation was purely "technical" because the  
16 granting of leave to amend plaintiff's § 1629d claim was being recommended. *See Brown v. Elec.*  
17 *Arts, Inc.*, 722 F. Supp. 2d 1148, 1155 (C.D. Cal. 2010). The findings and recommendations  
18 contained notice that any objections thereto were due within twenty-one days. (*See id.*) No  
19 objections have been filed and the time to do so has passed.

20 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a  
21 *de novo* review of the case. Having carefully reviewed the entire file, the court finds that the  
22 findings and recommendations are supported by the record and proper analysis.

23 Accordingly, IT IS HEREBY ORDERED that:

- 24 1. The findings and recommendations issued March 31, 2021 (Doc. No. 24) are  
25 adopted in full; and
- 26 2. Defendants' Motion to Dismiss (Doc. No. 8) is GRANTED IN PART and  
27 DENIED IN PART as follows:
  - 28 a. Defendant's motion to dismiss the Fair Debt Collections Practices Act

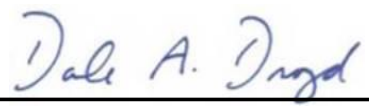
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("FDCPA") and the California Unfair Competition Law ("UCL") claims based on a violation of 15 U.S.C. § 1692d is GRANTED with LEAVE TO AMEND within twenty-one (21) days;

- b. Defendant's motion to dismiss the remainder of the FDCPA and UCL claims is DENIED;
- c. Defendant's anti-SLAPP motion to strike the UCL claim based on a violation of 15 U.S.C. § 1692d is GRANTED with LEAVE TO AMEND within twenty-one (21) days;
- d. Defendant's anti-SLAPP motion to strike the remainder of the UCL claims is DENIED; and
- e. Defendants' request for an award of attorney's fees is DENIED.

IT IS SO ORDERED.

Dated: June 4, 2021

  
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UNITED STATES DISTRICT JUDGE