

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

KAO SAELEE, et al.,

No. 2:14-cv-02625-TLN-AC

Plaintiffs,

## ORDER

BSI FIN. SERVS., et al.,

## Defendants.

This matter was referred to the undersigned in accordance with Local Rule 302(c)(21) and 8 U.S.C. § 636(b)(1). Plaintiffs' complaint, filed on November 10, 2014, includes the following causes of action: (1) violation of the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.*; (2) violation of the Fair Credit Reporting Act (FCRA), 15 U.S.C. § 1681 *et seq.*; (3) violation of the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1688, *et seq.*; (4) negligence; (5) California Consumer Credit Reporting Agency; (6) intentional infliction of emotional distress; (7) declaratory judgment/lien release; (8) injunctive relief; (9) wrongful foreclosure; (10) unfair or deceptive act; and (11) no contract.<sup>1</sup> ECF No. 1.

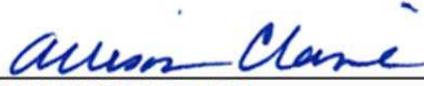
Before the court is plaintiffs' motion to validate filed on November 10, 2014. ECF No. 2.

<sup>1</sup> Plaintiffs incorrectly numbered their causes of action in two places. First, plaintiffs failed to include a seventh (7) cause of action in their complaint. ECF No. 1 at 25. Second, plaintiffs included “no contract” as their last listed cause of action, but entitled it “sixth claim for relief.” ECF No. 1 at 29.

1 Plaintiffs' motion asks the court to find that defendants are not the rightful holders of plaintiffs'  
2 debt because of their violations of the FDCPA. ECF No. 2. Plaintiffs' motion also argues that  
3 defendants have violated the FCRA by reporting inaccurate credit information about them and  
4 asks that defendants be required to delete all inaccurate information. Id. Both causes of action  
5 are discussed in plaintiffs' complaint in far more detail. ECF No. 1 at 11–20, 20–22. Further,  
6 both plaintiffs' motion and their complaint request the same forms of relief. ECF No. 1 at 29–33;  
7 ECF No. 2. Accordingly, the court vacates plaintiffs' motion to validate because it is duplicative  
8 of their complaint.

9 Accordingly, IT IS HEREBY ORDERED that plaintiffs' motion to validate (ECF No. 2)  
10 is vacated.

11 DATED: December 2, 2014

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13 ALLISON CLAIRE  
14 UNITED STATES MAGISTRATE JUDGE

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