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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

LEONID LEIDERMAN,
Plaintiff,
v.
EXPERIAN INFORMATION SOLUTIONS,
INC., et al.,
Defendants.

Case No. 16-CV-01495-LHK

**ORDER GRANTING MOTION TO
DISMISS**

Re: Dkt. No. 9

On April 20, 2016, Defendant Seterus, Inc. (“Seterus”) filed a motion to dismiss Plaintiff Leonid Leiderman’s Complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). ECF No. 9. On May 4, 2016, Plaintiff filed an opposition in which Plaintiff stated that “Plaintiff does not oppose the substance of Defendant’s motion as Plaintiff understands there are further facts and additional information that can be added to the Complaint against Defendant.” ECF No. 23. Seterus filed a reply on May 11, 2016. ECF No. 25. Pursuant to Civil Local Rule 7-1(b), the Court finds this matter appropriate for resolution without oral argument and VACATES the motion hearing set for July 7, 2016.

Because Plaintiff does not oppose Seterus’s motion, the Court GRANTS Seterus’s motion to dismiss.

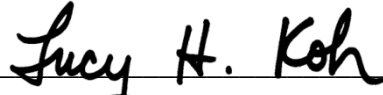
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Under Rule 15(a) of the Federal Rules of Civil Procedure, leave to amend “shall be freely given when justice so requires,” bearing in mind “the underlying purpose of Rule 15 . . . [is] to facilitate decision on the merits, rather than on the pleadings or technicalities.” *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000) (en banc) (ellipsis in original). A district court may deny leave to amend a complaint due to “undue delay, bad faith or dilatory motive on the part of the movant, repeated failure to cure deficiencies by amendments previously allowed, undue prejudice to the opposing party by virtue of allowance of the amendment, [and] futility of amendment.” *See Leadsinger, Inc. v. BMG Music Publ’g*, 512 F.3d 522, 532 (9th Cir. 2008) (brackets in original).

Because the Court concludes that amendment would not be futile, the Court dismisses Plaintiff’s Complaint with leave to amend. Should Plaintiff elect to file an amended complaint, Plaintiff shall do so within 21 days of the date of this Order. Failure to meet the 21 day deadline to file an amended complaint or failure to cure the deficiencies identified in Seterus’s motion to dismiss will result in a dismissal with prejudice of Plaintiff’s claims. Plaintiff may not add new causes of action or parties without leave of the Court or stipulation of the parties pursuant to Rule 15 of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

Dated: June 23, 2016



LUCY H. KOH
United States District Judge