

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NICOLE LLEWELLYN,

Plaintiff,

-against-

TRANS UNION (of Delaware), LLC, EQUIFAX
INFORMATION SERVICES LLC, and EXPERIAN
INFORMATION SOLUTIONS, INC.,

Defendants.

No. 15-cv-4205 (NSR)

OPINION & ORDER

NELSON S. ROMÁN, United States District Judge

Plaintiff Nicole Llewellyn asserts claims against Defendants Trans Union (of Delaware), LLC (“TransUnion”), Equifax Information Services LLC (“Equifax”), and Experian Information Solutions, Inc. (“Experian”) (collectively, “Defendants”), arising out of Defendants’ alleged defamation and libel as to Plaintiff’s credit worthiness, and the publication and dissemination of incorrect credit reports, in violation of the Fair Credit Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), and the New York State FCRA General Business Law § 380 *et seq.* (“GBL § 380”). This matter arises from the same operative facts as those in *Llewellyn v. Asset Acceptance, LLC*, No. 14-CV-411 (NSR), 2015 WL 6503893 (S.D.N.Y. Oct. 26, 2015). (*See* Statement of Relatedness, ECF No. 3; *see also* “Case Accepted as Related” Entry, dated July 1, 2015.) In that matter, this Court granted summary judgment in favor of Defendant. Plaintiff later appealed that judgment. *See Llewellyn*, No. 36-CV-81, 2016 WL 5944723 (2d Cir. Oct. 13, 2016). Given the relation between the actions, Plaintiff requested to stay this matter pending the outcome of her appeal. (*See* ECF No. 29.) Subsequently, the Second Circuit affirmed this Court’s decision. *See Llewellyn*, 2016 WL 5944723, at *2.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 1/5/2017


Copies mailed/faxed 1/5/2017
Chambers of Nelson S. Román, U.S.D.J.

In light of the Second Circuit's affirmance, on December 9, 2016, this Court issued an Order instructing Plaintiff to show cause in writing, by December 23, 2016, as to why this action should not be dismissed with prejudice, for failure to state a claim upon which relief could be granted, pursuant to Fed R. Civ. P. 12(b)(6). (*See* ECF No. 55.) That deadline has since passed, and Plaintiff has failed to respond to the Court's Order.

Accordingly, this action is DISMISSED with prejudice, for substantially the reasons set forth in the December 9, 2016 Order. *Id.* The Court respectfully directs the Clerk to close the case.

Dated: January ^{5th}, 2017
White Plains, New York

SO ORDERED:



NELSON S. ROMÁN
United States District Judge