

United States District Court
Southern District of Texas

ENTERED

September 20, 2018

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
GALVESTON DIVISION

AMANDA CLEMENTS; KATHERINE §
ANGUS; RANDALL LESLIE; §
CLINTON PERRY; EDUARDO LUCIO; §
STEVEN LOSS; MELISSA FIKES; and §
DALE CARMAN; individually, and on §
behalf of all others similarly situated §

Plaintiffs, §

VS. §

CIVIL ACTION NO. 3:17-CV-00237

TRANS UNION, LLC; TXU ENERGY §
RETAIL CO., LLC; and EXPERIAN §
INFORMATION SOLUTIONS, INC.; §
and JOHN DOES 1-25 §

Defendants. §

**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

Pending before the Court is the Memorandum and Recommendation of United States Magistrate Judge Andrew Edison. On July 17, 2018, this case was referred to Judge Edison (Dkt. 79). Pending before Judge Edison was Trans Union LLC's Motion to Dismiss Plaintiffs' Third Amended Class Action Complaint ("Trans Union's Motion to Dismiss"), Defendant Experian Information Solutions, Inc.'s Motion to Dismiss Plaintiffs' Third Amended Class Action Complaint ("Experian's Motion to Dismiss"), and Defendant Experian Information Solutions, Inc.'s Motion to Strike Exhibits Attached to Plaintiffs' Response in Opposition to Motion to Dismiss ("Experian's Motion to Strike"). Dkts. 61, 62, 72. On August 29, 2018, Judge Edison filed a Memorandum and

Recommendation recommending that Trans Union's Motion to Dismiss and Experian's Motion to Dismiss be DENIED IN PART and GRANTED IN PART. The Court further recommends that Experian's Motion to Strike be GRANTED.

No objections have been filed to the Memorandum and Recommendation. Accordingly, the Court reviews the Memorandum and Recommendation for plain error on the face of the record. 28 U.S.C. § 636(b)(1); *see also*, FED. R. CIV. P. 72(b)(3).

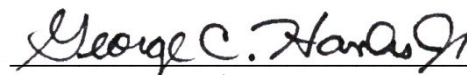
Based on the pleadings, the record, and the applicable law, the Court finds that there is no plain error apparent from the face of the record. Accordingly, it is hereby

ORDERED AND ADJUDGED that:

- (1) Judge Edison's Memorandum and Recommendation be **APPROVED AND ADOPTED** in its entirety as the holding of the Court;
- (2) Trans Union's Motion to Dismiss and Experian's Motion to Dismiss be **DENIED IN PART** and **GRANTED IN PART**. More specifically, Plaintiffs' section 1681i claim is dismissed and the remaining claims survive dismissal at this juncture of the case; and
- (3) Experian's Motion to Strike be **GRANTED**.

It is so **ORDERED**.

SIGNED at Galveston, Texas, this 20th day of September, 2018.



George C. Hanks Jr.
United States District Judge