

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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AANIYA CLAY,

Plaintiff,

v.

RADIUS GLOBAL SOLUTIONS, LLC and
TRANS UNION, LLC,

Defendants.

Case No. 2:24-cv-02124-GMN-EJY

REPORT AND RECOMMENDATION

Re: ECF No. 18

I. Introduction

Defendant Trans Union LLC (“Trans Union”) moves the Court for an Order that imposes Rule 11 sanctions on Plaintiff because, according to Trans Union, Plaintiff “knew the allegations” in her Amended Complaint “were false, meritless, and frivolous at the time ... [she] signed and filed the Complaint.” ECF No. 18. Trans Union further asserts that despite meeting and conferring before filing its instant Motion, Plaintiff failed “to withdraw the challenged allegations and claim, and ... failed to dismiss her Amended Complaint.” *Id.*

Plaintiff responds to the Motion claiming Trans Union acted together with co-defendant Radius Global Solutions (“Radius Global”) to allow Radius Global access to her credit report without a permissible purpose, that there was no debt obligation owed, and Trans Union has no knowledge of any obligation that may exist between Radius Global and Plaintiff. ECF No. 19. Plaintiff recites Fair Debt Collection Practices Act provisions and argues Radius Global failed to follow the required practices. *Id.* Liberally construed, Plaintiff then argues granting a motion to dismiss (apparently referring to Radius Global’s Motion to Dismiss addressed in a prior order) or a motion for sanctions is premature because no evidence has yet been subject to discovery. *Id.* Plaintiff seems to allege that Trans Union is “complicit” with Radius Global’s violation of law. *Id.*

Trans Union replies in support of its Motion for Sanctions arguing that Plaintiff fails to offer any substantive opposition to Rule 11 sanctions and dismissal is a permissible Rule 11 sanction. ECF No. 20.

II. Discussion

Federal Rule of Civil Procedure 11 allows for sanctions when a party presents to a court “claims, defenses, and other legal contentions ... [not] warranted by existing law or by a nonfrivolous argument for the extension, modification, or reversal of existing law or the establishment of new law[.]” Fed. R. Civ. P. 11(b)(2). The Ninth Circuit has established that the word “frivolous,” in this context, pertains to “a filing that is both baseless and made without a reasonable and competent inquiry.” *Moore v. Keegan Mgmt. Co (In re Keegan Mgmt. Co., Sec. Litig.)*, 78 F.3d 431, 434 (9th Cir. 1996). However, the Ninth Circuit cautions that while “Rule 11 applies to *pro se* plaintiffs, the court must take into account a plaintiff’s *pro se* status when it determines whether the filing was reasonable.” *Warren v. Guelker*, 29 F.3d 1386, 1390 (9th Cir. 1994) (per curiam).

Here, Plaintiff is clearly an unsophisticated participant in litigation and while she fails to substantively oppose Trans Union’s Motion in strict compliance with the requirement of U.S. District Court for the District of Nevada Local Rule 7-2(d) and case law interpreting the same, the Court does not decide the issue presented on that basis alone.

As explained in the Court’s recent decision, Plaintiff does not state a claim against Radius Global based on its access to her credit report. ECF No. 29 at 3 *citing* ECF No. 2-1 at 25 ¶¶ 5, 51, 52. Radius Global, as an undisputed debt collector, was permitted such access under the Fair Credit Reporting Act. *Wise v. Experian Information Solutions, Inc. et al.*, Case No. CV 23-5513-KK-RAOx, 2024 WL 3337128, at *4 (C.D. Cal. June 18, 2024) (collecting cases). Thus, the Court finds Trans Union cannot have violated the FCRA by allowing Radius Global to access Plaintiff’s credit report. In sum, Plaintiff’s Count I against Trans Union alleging a violation of 18 U.S.C. § 1681e(a) fails as a matter of law.

Plaintiff’s only other claim against Trans Union is alleged under 15 U.S.C. § 6802 (the Graham-Leach Bliley Act). Unfortunately, there is no private right of action for a violation of this Act. *Dunmire v. Morgan Stanley DW, Inc.*, 475 F.3d 956, 960 (8th Cir. 2007); *Johnson v. Stillman Law Office*, Civil Action No. 23-2433-KSM, 2024 WL 1333364, at *3 n.7 (E.D. Penn. Mar. 28, 2024); *Azeltine v. Bank of America*, Case No. CV 10-218-TUC-JGZ (HCE), 2011 WL 7272309, at *6 (D. Ariz. Dec. 16, 2011) (internal citations omitted).

District courts enjoy broad discretion in determining appropriate sanctions under Rule 11 so long as such sanctions “suffice[] to deter repetition of the conduct or comparable conduct by others similarly situated.” Fed. R. Civ. P. 11; *Hudson v. Moore Bus. Forms., Inc.*, 836 F.2d 1156, 1163 (9th Cir. 1987) (“The district court has wide discretion in determining the appropriate sanction for a Rule 11 violation.”). Available sanctions include both monetary and nonmonetary penalties, up to and including dismissal of a complaint with prejudice. *Canon Sols. Am., Inc. v. Gungap*, Case No. SACV 14-1990-JLS (RNBx), 2016 WL 9108916, at *2 (C.D. Cal. Feb. 8, 2016). The appropriate sanction under the circumstances presented here is dismissal of Plaintiff’s claims against Trans Union. However, given Plaintiff’s *pro se* status, the Court declines to recommend a grant of attorney’s fees.

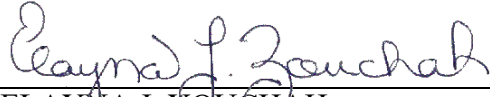
III. Recommendation

Based on the foregoing, IT IS HEREBY RECOMMENDED that Trans Union’s Motion for Sanctions and Attorney’s Fees (ECF No. 18) be GRANTED in part and DENIED in part.

IT IS FURTHER RECOMMENDED that all claims asserted against Trans Union stated in Plaintiff’s Amended Complaint be dismissed with prejudice.

IT IS FURTHER RECOMMENDED that Trans Union’s request for attorney’s fees be denied.

Dated this 29th day of May, 2025.


ELAYNA J. ZOUCHAH
UNITED STATES MAGISTRATE JUDGE

NOTICE

Under Local Rule IB 3-2, any objection to this Report and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court holds the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). The Ninth Circuit also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).