

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Bonhomme v. Open Text Corporation

Bonhomme · No. 24-cv-06100-VC · Decided June 25, 2025

SUMMARY

The United States District Court for the Northern District of California dismissed Open Text Corporation for lack of proper service and dismissed with prejudice the claims against the remaining defendants. The court granted the defendants’ anti-SLAPP and Rule 12(b)(6) motions, found amendment futile, awarded Open Text Inc. entitlement to recover anti-SLAPP fees, and ordered the filing of a redacted version of a sealed pleading.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Vince Chhabria
JURISDICTION	United States District Court for the Northern District of California
DECIDED	June 25, 2025
DOCKET	24-cv-06100-VC
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court considered motions to dismiss, anti-SLAPP motions, a motion to strike, and related requests concerning dismissal of claims, supplemental jurisdiction, amendment, fees, and sealing.
STANDARD OF REVIEW	The order applies the standards governing dismissal for lack of service, Rule 12(b)(6) dismissal, California anti-SLAPP motions, supplemental jurisdiction, and futility of amendment. No separately stated standard of review appears because this is a district-court order.
PRECEDENTIAL VALUE	Unpublished district court order; precedential status is unknown.

TOPICS

- service of process
- motions to dismiss
- attorney fees
- fair debt collection
- civil procedure

PRACTICE AREAS

- Civil procedure
- Federal jurisdiction
- Consumer protection
- Commercial litigation
- Remedies

QUESTIONS PRESENTED

1. Whether Open Text Corporation should be dismissed for lack of proper service when Bonhomme conceded defective service and had no near-term plan to serve it.
2. Whether the court should permit a late dismissal of Bonhomme's FDCPA claim and decline supplemental jurisdiction over the state-law claims.
3. Whether the anti-SLAPP and Rule 12(b)(6) motions against Vedder Price and Open Text Inc. should be granted because the allegations concerned protected activity and the litigation privilege applied.
4. Whether Bonhomme should be granted leave to amend after the anti-SLAPP and Rule 12(b)(6) motions were granted.
5. Whether Open Text Inc. was entitled to attorney fees under California Code of Civil Procedure section 425.16 and whether Vedder Price's motion to strike and sealing requests should be granted.

HOLDINGS

1. Open Text Corporation was dismissed with prejudice because Bonhomme conceded that she had not properly served it and had no plans to serve it in the near future.
2. The court declined to permit Bonhomme's untimely request to dismiss the FDCPA claim and declined to relinquish supplemental jurisdiction over the state-law claims.
3. The anti-SLAPP motions and Rule 12(b)(6) motions were granted, and the claims against Vedder Price and Open Text Inc. were dismissed with prejudice.
4. Bonhomme was not entitled to leave to amend because amendment would be futile.
5. Open Text Inc., as a prevailing party on its anti-SLAPP motion, was entitled to seek attorney fees under California Code of Civil Procedure section 425.16; Vedder Price did not seek fees.
6. Vedder Price's motion to strike was granted, the first amended complaint and verified first amended complaint were ordered sealed, and Bonhomme was directed to refile the verified complaint with Michelle Landry's private information redacted and no other changes.

KEY QUOTATIONS

“Considering the defendants’ motions on the merits, then, it’s clear that all of Bonhomme’s allegations concern protected activity and that the litigation privilege applies to all of the defendants’ actions.”

“And even under the liberal policy of granting amendment, there is no obligation to permit amendment when that amendment would be futile.”

“To be clear, the purpose of Bonhomme’s response is not to reargue anything that she’s already argued in connection with the anti-SLAPP motion. It is limited to disputing the reasonableness of OTI’s fee request.”

FACTUAL BACKGROUND

Bonhomme asserted claims including an FDCPA claim against Vedder Price and Open Text Inc. and state-law claims arising from defendants' conduct. She did not properly serve Open Text Corporation and stated that she had no plans to do so in the near future. The court concluded that the allegations concerned protected activity

and that the litigation privilege applied to the defendants' actions. Bonhomme's counsel could not identify additional allegations that amendment would add to save the case from dismissal.

PROCEDURAL HISTORY

Bonhomme sued Open Text Corporation, Open Text Inc., Vedder Price, and others. Open Text Corporation moved to dismiss for lack of service; Bonhomme conceded that service was improper and that she had no near-term plans to serve it. After anti-SLAPP and Rule 12(b)(6) motions were filed, Bonhomme sought dismissal of her FDCPA claim and asked the court to decline supplemental jurisdiction over her state-law claims. The court denied that request, granted the anti-SLAPP and Rule 12(b)(6) motions against Vedder Price and Open Text Inc., denied leave to amend as futile, awarded Open Text Inc. the right to seek statutory fees, granted Vedder Price's motion to strike, and ordered the relevant complaints sealed and refiled with private information redacted.

DISPOSITION

dismissed

CASES CITED

- Royal Canin U.S.A., Inc. v. Wulfschleger, 604 U.S. 22, 30 (2025)
- Verizon Delaware, Inc. v. Covad Communications Co., 377 F.3d 1081, 1091 (9th Cir. 2004)
- Saul v. United States, 928 F.2d 829, 843 (9th Cir. 1991)