UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN

Sotero Montellano Lopez III v. Trans Union LLC, et al.

Lopez v. Trans Union · No. 2:25-cv-12733 · Decided December 8, 2025

SUMMARY

The United States District Court for the Eastern District of Michigan partially granted and partially denied Plaintiff Sotero Montellano Lopez III's unopposed motion for leave to amend his complaint. The court accepted the amended complaint as the operative pleading after excluding portions concerning sovereign-citizen-style settlement rhetoric, a UCC financing statement, and premature third-party discovery requests.

CASE DETAILS

COURT	United States District Court for the Eastern District of Michigan
WRITING FOR THE COURT	Elizabeth A. Stafford
JURISDICTION	United States District Court for the Eastern District of Michigan
DECIDED	December 8, 2025
DOCKET	2:25-cv-12733
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved unopposed for leave to amend after the court ordered the parties to show cause why the removed action should not be dismissed or remanded for lack of subject-matter jurisdiction based on the failure to state a plausible federal claim.
STANDARD OF REVIEW	Leave to amend under Federal Rule of Civil Procedure 15(a)(2) should be freely given when justice so requires, but may be denied for bad faith, dilatory purpose, undue delay or prejudice, or futility. An amendment is futile if it could not withstand a Rule 12(b)(6) motion. A magistrate judge's ruling on a non-dispositive motion may be objected to and will be set aside only if clearly erroneous or contrary to law.
PRECEDENTIAL VALUE	unpublished, nonprecedential trial-court order

TOPICS

motion to amend · pleadings · discovery dispute · credit reporting · consumer protection

PRACTICE AREAS

civil procedure | consumer protection | credit reporting | federal jurisdiction

QUESTIONS PRESENTED

1. Whether Plaintiff should receive leave under Federal Rule of Civil Procedure 15(a)(2) to file the proposed amended complaint.
2. Whether the proposed amended complaint was futile because its claims could not withstand a Rule 12(b)(6) motion.
3. Whether portions of the proposed amended complaint concerning an alternative settlement tender, Uniform Commercial Code materials, and discovery subpoenas should be excluded from the operative pleading.

HOLDINGS

1. Leave to amend should be granted in part because the amended complaint states its Fair Credit Reporting Act and Michigan Consumer Protection Act claims in an understandable manner, and the defendants did not oppose the motion or argue futility.
2. The amended complaint was sufficiently understandable to be accepted as the operative complaint, subject to the court's exclusions, and was not rejected as futile at the amendment stage.
3. Section V, concerning an alternative settlement tender, and the final paragraph of Section VII, concerning a UCC financing statement, were excluded from the amended complaint because they neither advanced claims for relief nor supplied factual allegations supporting the claims.
4. Plaintiff could not advance a request for discovery subpoenas to third parties within the amended complaint; subsection (f) of Section VII was excluded because discovery must be sought under the applicable discovery rules.

KEY QUOTATIONS

> *"The Court GRANTS IN PART AND DENIES IN PART Lopez's motion."* (PageID.1702-1703)

> *"Thus, these portions are excluded from the amended complaint."* (PageID.1707-1710)

> *"This discovery request must be made as permitted under Rules 26 through 37 and Rule 45."* (PageID.1710)

FACTUAL BACKGROUND

Lopez alleged that Trans Union and Experian reported his bankruptcy under the name "Sotero Lopez" rather than "Sotero Montellano Lopez III," causing the bankruptcy information to appear on the credit reports of his father and grandfather. He alleged that Equifax reported no bankruptcy, that defendants failed to investigate or correct the alleged inaccuracies after receiving disputes forwarded by the Consumer Financial Protection Bureau, and that three lenders denied him loans. The amended complaint asserted three Fair Credit Reporting Act claims and one Michigan Consumer Protection Act claim.

PROCEDURAL HISTORY

Trans Union removed the action from Wayne County Circuit Court with Experian's consent, asserting federal-question jurisdiction under 28 U.S.C. § 1331. The district judge referred pretrial matters to Magistrate Judge Elizabeth A. Stafford. After the court issued an order to show cause concerning the plausibility of Plaintiff's federal claim, Plaintiff moved for leave to amend. The magistrate judge granted the motion in part, accepted the amended complaint as the operative complaint subject to specified exclusions, and denied the motion to the extent the excluded portions were included.

DISPOSITION

other

CASES CITED

- Colvin v. Caruso, 605 F.3d 282, 294 (6th Cir. 2010)
- Rose v. Hartford Underwriters Ins. Co., 203 F.3d 417, 420 (6th Cir. 2000)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- League of United Latin Am. Citizens v. Bredesen, 500 F.3d 523, 527 (6th Cir. 2007)
- Freightliner of Knoxville, Inc. v. DaimlerChrysler Vans, LLC, 484 F.3d 865, 871 n.4 (6th Cir. 2007)
- Davis v. Prison Health Servs., 679 F.3d 433, 437-38 (6th Cir. 2012)
- Thomas v. Eby, 481 F.3d 434, 437 (6th Cir. 2007)
- Brown v. Hangley, No. 23-CV-1265, 2023 WL 5153513, at *2 n.4 (E.D. Pa. Aug. 10, 2023)
- Davis v. Heaton, No. 1:24-cv-1050, 2025 WL 2412452, at *3 (W.D. Mich. July 30, 2025)