

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Li v. Suo

Li v. Suo · No. 24-cv-05055-AMO · Decided May 8, 2025

SUMMARY

The United States District Court for the Northern District of California grants Defendant Roger Anderson’s motion to dismiss Yan-Tao Li’s amended complaint under Federal Rules of Civil Procedure 8, 9(b), and 12(b)(6). The court finds that Li failed to allege sufficient nonconclusory facts supporting claims against Anderson, failed to plead alleged fraud with particularity, and failed to state the relief sought. The dismissal is without prejudice and with leave to amend by June 5, 2025.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Araceli Martinez-Olguin
JURISDICTION	United States District Court for the Northern District of California
DECIDED	May 8, 2025
DOCKET	24-cv-05055-AMO
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Roger Anderson, trustee of the RWA Trust, moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Yan-Tao Li's amended complaint for failure to state a claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and construes the pleadings in the light most favorable to the nonmoving party, but does not accept conclusory allegations as true. The complaint must contain sufficient nonconclusory factual content to plausibly suggest entitlement to relief. Fraud allegations must satisfy Rule 9(b)'s particularity requirement.
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status is unknown.

TOPICS

- motions to dismiss
- pleadings
- civil procedure
- real estate

PRACTICE AREAS

civil procedure

real estate

fraud pleading

trusts

remedies

QUESTIONS PRESENTED

1. Whether Li's amended complaint plausibly stated any claim for relief against Anderson under Federal Rule of Civil Procedure 8 and Rule 12(b)(6).
2. Whether Li's allegations sounding in fraud satisfied Federal Rule of Civil Procedure 9(b)'s requirement that the circumstances of fraud be pleaded with particularity.
3. Whether the complaint should be dismissed with leave to amend.

HOLDINGS

1. The amended complaint failed to state a claim against Anderson because its allegations that Anderson colluded with Suo, chose to transact with her despite knowing she lacked authority, and engaged in wrongful conduct were conclusory and unsupported by sufficient factual content. The complaint also failed to identify the relief sought.
2. The amended complaint did not satisfy Rule 9(b) because it did not plead with particularity the circumstances of Anderson's alleged fraudulent conduct and improperly relied primarily on allegations concerning other defendants and nonparties.
3. Dismissal was granted with leave to amend because the court could not conclude that the pleading deficiencies were incurable.

KEY QUOTATIONS

“Though entitled to a generous reading of the complaint, a pro se plaintiff must still meet these pleading standards.” (Discussion)

“Rule 9(b) does not allow a complaint to . . . lump multiple defendants together but require[s] plaintiffs to differentiate their allegations when suing more than one defendant.” (Discussion)

“Because Li may be able to cure the deficiencies by amendment, the Court will dismiss WITH LEAVE TO AMEND” (Conclusion)

FACTUAL BACKGROUND

In 2016, Jie Suo assisted Li, a resident of China, in purchasing a house in Pittsburg, California. Before returning to China, Li signed a power of attorney that he allegedly believed authorized Suo only to set up utilities, but which allegedly authorized Suo to take out loans secured by the property. Suo allegedly obtained a \$560,000 loan from Roger Anderson, trustee of the RWA Trust, secured by a deed of trust on the house, and Li paid \$28,000 toward interest to try to avoid foreclosure. Li alleged that Anderson colluded with Suo and knew Suo lacked authority, but the court found those allegations conclusory and lacking supporting factual content.

PROCEDURAL HISTORY

Li filed the action on August 12, 2024, and filed an amended complaint on August 13, 2024. The court previously denied Li's motion for a temporary restraining order and preliminary injunction because he had not alleged that defendants acquired title absent good faith and therefore had not shown a likelihood of success on the merits. Anderson moved to dismiss the amended complaint. Although Li missed the opposition deadline, the court considered his opposition on the merits, granted Anderson's motion, and dismissed the complaint against Anderson with leave to amend by June 5, 2025.

DISPOSITION

dismissed

CASES CITED

- Eitel v. McCool, 782 F.2d 1470 (9th Cir. 1986)
- Levitt v. Yelp! Inc., 765 F.3d 1123, 1135 (9th Cir. 2014)
- In re Century Aluminum Co. Securities Litigation, 729 F.3d 1104, 1107 (9th Cir. 2013)
- Moss v. U.S. Secret Service, 572 F.3d 962, 969 (9th Cir. 2009)
- Vess v. Ciba-Geigy Corp. USA, 317 F.3d 1097, 1106 (9th Cir. 2003)
- Manzarek, 519 F.3d at 1031
- Hughes v. Rowe, 449 U.S. 5, 9 (1980)
- Hearn v. Terhune, 413 F.3d 1036, 1040 (9th Cir. 2005)
- Hearn v. Terhune, 413 F.3d 1036, 1041, 1043 (9th Cir. 2005)
- Feathers v. SEC, No. 22-cv-05756-JD, 2022 WL 17330840, at *1 (N.D. Cal. Nov. 29, 2022)
- Ashcroft v. Iqbal, 556 U.S. 662, 664 (2009)
- Destfino v. Reisinger, 630 F.3d 952, 958 (9th Cir. 2011)
- Akhtar v. Mesa, 698 F.3d 1202, 1212 (9th Cir. 2012)
- Leadsinger, Inc. v. BMG Music Publ'g, 512 F.3d 522, 532 (9th Cir. 2008)
- Foman v. Davis, 371 U.S. 178, 182 (1962)

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