

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Foregger v. Redfin Corporation

Foregger · No. 24-cv-05701-HSG · Decided March 26, 2025

SUMMARY

The United States District Court for the Northern District of California granted Redfin Corporation’s motion to dismiss Christina Foregger’s pro se complaint. The court held that the complaint failed to provide a short and plain statement supporting claims for defamation or fraud on the court and did not adequately identify the alleged statements or fraudulent conduct. The dismissal was without prejudice, and Plaintiff was given until April 22, 2025, to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 26, 2025
DOCKET	24-cv-05701-HSG
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss the removed complaint for failure to state a claim. In the alternative, Defendant sought a more definite statement or arbitration. The court granted dismissal and allowed Plaintiff to amend.
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 nonmoving party's favor, but does not accept conclusory allegations, unwarranted factual deductions, or unreasonable inferences. A complaint must contain sufficient factual matter to state a facially plausible claim and must comply with Rule 8.
PRECEDENTIAL VALUE	unpublished district court order
PARTIES	Christina Foregger v. Redfin Corporation

TOPICS

motions to dismiss

pleadings

defamation

fraud

civil procedure

PRACTICE AREAS

Civil procedure

Defamation

Fraud

QUESTIONS PRESENTED

1. Whether the complaint complied with Federal Rule of Civil Procedure 8's requirement of a short and plain statement of the claim.
2. Whether the complaint plausibly stated a defamation claim under California law.
3. Whether the allegation of "defrauding the court system" stated an actionable claim for fraud on the court or fraud.
4. Whether the defendant's alternative requests for a more definite statement or arbitration should be addressed.

HOLDINGS

1. The complaint failed to satisfy Rule 8 because it did not provide a short, plain, simple, concise, and direct statement connecting the alleged facts to the asserted causes of action.
2. The complaint did not state a plausible defamation claim because it failed to identify the allegedly false statements, when they were made, or to whom they were communicated, and therefore did not adequately plead the elements of publication, falsity, defamatory character, lack of privilege, and resulting injury.
3. The complaint did not state an actionable fraud-on-the-court or fraud claim because Plaintiff sought damages rather than vacatur of a judgment and failed to plead the alleged fraudulent conduct with the required specificity.
4. Dismissal with leave to amend was appropriate because the court could not conclude at that stage that amendment would be futile.

KEY QUOTATIONS

"The Court grants Defendant's motion to dismiss because Plaintiff's complaint does not adhere to Rule 8's requirement to set out "a short and plain statement of the claim." (at 3)

"These deficiencies are fatal because they do not provide Defendant with "fair notice of what the . . . claim is and the grounds upon which it rests." (at 4)

"Plaintiff shall file an amended complaint by no later than April 22, 2025." (at 5)

FACTUAL BACKGROUND

Christina Foregger sued her former employer, Redfin Corporation, alleging defamation of character and "defrauding the court system." She appeared to allege that attorneys representing Redfin made false statements about her while pursuing a workplace-violence restraining order against her in state court, harming her real-

estate business. The complaint sought \$3 million in compensatory damages but did not identify the substance, timing, or audience of the allegedly false statements.

PROCEDURAL HISTORY

Plaintiff, proceeding pro se, filed the complaint against Redfin Corporation in Alameda County Superior Court in July 2024. Redfin removed the action to the Northern District of California in August 2024 and moved to dismiss. The district court granted the motion because the complaint did not provide a short and plain statement of the claims and did not plausibly plead defamation or fraud-related relief, but permitted Plaintiff to file an amended complaint by April 22, 2025.

DISPOSITION

dismissed

CASES CITED

- *Mendiondo v. Centinela Hosp. Med. Ctr.*, 521 F.3d 1097, 1104 (9th Cir. 2008)
- *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 570 (2007)
- *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)
- *Manzarek v. St. Paul Fire & Marine Ins. Co.*, 519 F.3d 1025, 1031 (9th Cir. 2008)
- *In re Gilead Scis. Secs. Litig.*, 536 F.3d 1049, 1055 (9th Cir. 2008)
- *Sprewell v. Golden State Warriors*, 266 F.3d 979, 988 (9th Cir. 2001)
- *Erickson v. Pardus*, 551 U.S. 89, 94 (2007)
- *Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995)
- *Ivey v. Bd. of Regents of Univ. of Alaska*, 673 F.2d 266, 268 (9th Cir. 1982)
- *Burmeister v. Saldich*, No. 22-CV-00088-HSG, 2023 WL 309044, at *3 (N.D. Cal. Jan. 18, 2023)
- *Taus v. Loftus*, 40 Cal. 4th 683, 720 (2007)
- *Schneider v. California Dep't of Corr.*, 151 F.3d 1194, 1197 (9th Cir. 1998)
- *United States v. Est. of Stonehill*, 660 F.3d 415, 444 (9th Cir. 2011)
- *Edwards v. Edwards*, No. CV2300552FMORAO, 2023 WL 3010158, at *4 (C.D. Cal. Apr. 19, 2023)
- *Drawsand v. F.F. Properties, L.L.P.*, 866 F. Supp. 2d 1110, 1123 (N.D. Cal. 2011)
- *Brazil v. United States Dep't of Navy*, 66 F.3d 193, 199 (9th Cir. 1995)
- *Catlin Ins. Co., Inc. v. Meredith*, No. 20-CV-01345-HSG, 2021 WL 764042, at *4 (N.D. Cal. Feb. 26, 2021)
- *Silberg v. Anderson*, 50 Cal. 3d 205, 212 (1990)
- *Lucas v. Dep't of Corr.*, 66 F.3d 245, 248 (9th Cir. 1995)
- *Lopez v. Smith*, 203 F.3d 1122, 1131 (9th Cir. 2000)