

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF CALIFORNIA

Alvin James Smith v. TransUnion

No. 24-cv-1727-AGS-DTF (S.D. Cal. Feb. 6, 2026) · No. 24-cv-1727-AGS-DTF · Decided February 6, 2026

SUMMARY

The United States District Court for the Southern District of California granted Alvin James Smith’s motions to supplement his complaint under Federal Rule of Civil Procedure 15(d). The court required Smith to file a consolidated fourth amended complaint addressing subsequent changes to the disputed credit-reporting accounts, denied his other supplemental filings, and denied TransUnion’s motion to dismiss as moot.

CASE DETAILS

COURT	United States District Court for the Southern District of California
WRITING FOR THE COURT	Andrew G. Schopler
JURISDICTION	United States District Court for the Southern District of California
DECIDED	February 6, 2026
DOCKET	24-cv-1727-AGS-DTF
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 15(d) for leave to supplement his operative complaint with events occurring after its filing. Defendant had a pending motion to dismiss, and plaintiff also filed supplemental briefs.
STANDARD OF REVIEW	The court exercised its discretion under Federal Rule of Civil Procedure 15(d), considering whether the proposed supplemental matter related to the original complaint, whether supplementation would prejudice the defendant, and whether it would promote speedy disposition of the controversy.
PRECEDENTIAL VALUE	unpublished district court order; generally nonprecedential
PARTIES	Alvin James Smith v. TransUnion

TOPICS

- motion to amend
- pleadings
- motions to dismiss
- civil procedure
- consumer protection

PRACTICE AREAS

civil procedure

consumer protection

credit reporting

QUESTIONS PRESENTED

1. Whether plaintiff should be permitted under Federal Rule of Civil Procedure 15(d) to supplement the operative complaint with alleged post-filing deletion and reinsertion of the disputed credit accounts.
2. Whether plaintiff's supplemental briefs should be accepted when they presented preemptive responses to arguments not yet raised by defendant and sought no additional relief.
3. Whether defendant's pending motion to dismiss became moot after leave to supplement was granted.

HOLDINGS

1. Leave to supplement was appropriate because the alleged post-filing deletion and reinsertion of the same disputed credit accounts unquestionably related to the original complaint, supplementation would not cause sufficient prejudice, and it would promote speedy disposition of the entire controversy.
2. The supplemental and operative allegations must be integrated into a consolidated fourth amended complaint without reference or reliance on prior pleadings.
3. TransUnion's motion to dismiss was denied as moot because the new consolidated complaint would supersede the operative complaint and permit the dismissal arguments to be addressed together.

KEY QUOTATIONS

“If the newly alleged material unquestionably relates to the matter set forth in the original complaint, the only inquiry that remains is whether supplementation will promote speedy disposition of the entire controversy, or whether it will prejudice the responding party.” (1)

“A supplemental complaint completely supersedes any earlier complaint, rendering the original complaint non-existent.” (2)

FACTUAL BACKGROUND

Smith's operative complaint alleged that TransUnion failed to delete or remove two allegedly inaccurate Navy Federal Credit Union debt accounts from his consumer credit file. After the third amended complaint was filed, TransUnion allegedly deleted the two accounts on or about October 13, 2025, and allegedly reinserted them on November 15, 2025, through a new furnisher, LVNV Funding LLC. Smith sought to add those subsequent events to his Fair Credit Reporting Act and California consumer-credit-reporting claims.

PROCEDURAL HISTORY

Smith's operative third amended complaint asserted federal and California credit-reporting claims and a California intentional-infliction-of-emotional-distress claim concerning allegedly inaccurate Navy Federal debt accounts. TransUnion moved to dismiss. Smith then sought leave to supplement based on TransUnion's alleged deletion and subsequent reinsertion of the accounts. The court granted leave to supplement, denied the additional

supplemental filings, and denied the motion to dismiss as moot, directing Smith to file a consolidated fourth amended complaint.

DISPOSITION

other

CASES CITED

- Sywula v. Teleport Mobility, Inc., 652 F. Supp. 3d 1195, 1213-14 (S.D. Cal. 2023)
- Keith v. Volpe, 858 F.2d 467, 474-75 (9th Cir. 1988)
- William Inglis & Sons Baking Co. v. ITT Cont'l Baking Co., 668 F.2d 1014, 1057 (9th Cir. 1981)
- Jackson v. Fong, 870 F.3d 928, 934 (9th Cir. 2017)
- Fate Therapeutics, Inc. v. Shoreline Biosciences, Inc., No. 22-cv-00676-H-MSB, 2023 WL 2456715, at *1 (S.D. Cal. Jan. 31, 2023)
- Doe v. Butte Cnty. Prob. Dep't, No. 20-cv-02248-TLN-DMC, 2022 WL 705616, at *5 (E.D. Cal. Mar. 9, 2022)
- Planned Parenthood of S. Arizona v. Neely, 130 F.3d 400, 402 (9th Cir. 1997)
- Lira v. Herrera, 427 F.3d 1164, 1169 (9th Cir. 2005)

OPINION

1 UNITED STATES DISTRICT COURT 2 SOUTHERN DISTRICT OF CALIFORNIA 3 Alvin James SMITH, Case No.: 24-cv-1727-AGS-DTF 4 Plaintiff, ORDER GRANTING PLAINTIFF’S MOTIONS TO SUPPLEMENT 5 v. COMPLAINT (ECF 46, ECF 48), 6 TRANSUNION, DENYING PLAINTIFF’S SUPPLEMENTAL FILINGS (ECF 45, 7 Defendant. ECF 47), AND DENYING AS MOOT 8 DEFENDANT’S MOTION TO DISMISS (ECF 37) 9 10 Plaintiff moves for, among other things, leave to file a supplemental pleading.

(See 11 ECF 46, 48.) That request is granted, which largely moots his other requests. 12 BACKGROUND 13 In short, plaintiff’s operative complaint seeks damages for “[i]naccurate credit 14 reporting” related to two “Navy Federal alleged debt accounts” that TransUnion 15 purportedly “fail[ed] to delete or remove.” (ECF 36, at 2.) One of plaintiff’s remaining 16 claims is for “negligent and willful violations” of the Fair Credit Reporting Act and the 17 California Consumer Credit Reporting Agencies Act.

His other is a California state law 18 claim for intentional infliction of emotional distress for “assassination of his ‘character’” 19 and “humiliate[ion] and embarrass[ment].” (ECF 36, at 9.) Defendant moved to dismiss. 20 (ECF 37.) Plaintiff now moves under Federal Rule of Civil Procedure 15(d) for leave to 21 “file a supplemental pleading to include material facts that occurred after the filing” of the 22 operative complaint.

(ECF 46, at 2; ECF 48, at 2.) 23 DISCUSSION 24 A. Rule 15(d) Motion for Supplemental Pleading 25 Plaintiff seeks to file a supplemental pleading following the revelation of “two key 26 subsequent events.” (ECF 48, at 2.)

First, plaintiff wishes to add to his complaint “facts 27 [that] concern [d]efendant TransUnion LLC’s voluntary deletion of two disputed Navy 28 1 Federal Credit Union accounts from Plaintiff’s consumer credit file.” (ECF 46, at 2.) 2 Notably, plaintiff asserts that this “voluntary deletion” occurred “on or about October 13, 3 2025” (id.), that is, more than a month after the filing of the third amended complaint here 4 (see ECF 36).

Second, plaintiff alleges that on “November 15, 2025,” “TransUnion 5 reinserted the very same accounts onto Plaintiff’s credit report under a new debt-buying 6 furnisher, LVNV FUNDING LLC.” (ECF 48, at 2.) Thus, he claims that he should be 7 granted leave to file supplemental pleadings as these new “events postdate the filing of the 8 [operative complaint] and directly relate” to his federal credit reporting claims.

(ECF 46, 9 at 2.) 10 The Court “may, on just terms” and with “motion and reasonable notice” allow “a 11 party to serve a supplemental pleading setting out any transaction, occurrence, or event that 12 happened after the date of the pleading to be supplemented.” Fed. R. Civ. P. 15(d). If the 13 “newly alleged material unquestionably relates to the matter set forth in the original 14 complaint, the only inquiry that remains is whether supplementation will promote speedy 15 disposition of the entire controversy, or whether it will prejudice the responding party.” 16 *Sywula v. Teleport Mobility, Inc.*, 652 F. Supp. 3d 1195, 1213 (S.D.

Cal. 2023) (quotations 17 omitted) (citing *Keith v. Volpe*, 858 F.2d 467, 474–75 (9th Cir. 1988)). 18 1. Relation to the Original Complaint 19 The first inquiry is whether the supplemental information “unquestionably relates to 20 the matter set forth in the original complaint.” *Sywula*, 652 F. Supp. at 1213. Plaintiff’s 21 supplementary information relates to the “voluntary deletion” of the apparently 22 problematic accounts that are directly at issue in the operative complaint.

(Compare 23 ECF 36, at 2 (claiming a violation of FCRA for “failing to delete or remove two 24 (2) inaccurate Navy Federal alleged debt accounts”); with ECF 46, at 4 (alleging that “on 25 or about October 13, 2025... the two disputed Navy Federal Credit Union accounts that 26 are the subject of this action” were deleted).) According to plaintiff, the “timing and nature 27 of this deletion” are indicative of TransUnion’s alleged violations.

(ECF 46, at 4.) Plaintiff 28 also claims that “reinsertion” occurred from a “new furnisher, LVNV,” which, in plaintiff’s 1 view, also shows “willful violations of the Fair Credit Reporting Act.” (ECF 48, at 2.) 2 Particularly since it all deals with the same accounts, plaintiff’s supplemental information 3 “relates to the matters set forth in the original complaint.” See *Sywula*, 652 F. Supp. at 4 1213.

5 2. Prejudice 6 The Court also must examine any potential “prejudice to” defendant. Sywula, 652 F. 7 Supp. at 1213. The possibility that defendant “would need to respond to modified [] 8 allegations, and perhaps, litigate” is not sufficient prejudice to defeat plaintiff’s right to 9 supplement. See *id.* at 1214 (collecting cases). And, as the Court previously noted, plaintiff 10 will not be granted another attempt to amend his complaint should the Court grant another 11 motion to dismiss.

(See ECF 35, at 1.) So, disposition on defendant’s motion to dismiss 12 could result in a final dismissal of plaintiff’s suit with prejudice. Given the court’s 13 obligation to unrepresented litigants, and the potential result of a final disposition of 14 plaintiff’s complaint, the equities favor permitting plaintiff to supplement. 15 Any prior deficiencies in plaintiff’s operative complaint do not alter this result.

See 16 Fed. R. Civ. P. 15(d) (noting that the “court may permit supplementation even though the 17 original pleading is defective”). 18 3. Speedy Disposition 19 Finally, the Court considers whether allowing plaintiff to supplement will “promote 20 the speedy disposition of the entire controversy.” Sywula, 652 F. Supp. at 1213. 21 Supplementation generally “promote[s] as complete an adjudication of the dispute between 22 the parties as possible.” *William Inglis & Sons Baking Co. v. ITT Cont’l Baking Co.*, 668 23 F.2d 1014, 1057 (9th Cir.

1981). “A supplemental complaint completely supersedes any 24 earlier complaint, rendering the original complaint non-existent.” *Jackson v. Fong*, 870 25 F.3d 928, 934 (9th Cir. 2017) (cleaned up). Since it means all the arguments about dismissal 26 can now be addressed together, the Court concludes that allowing supplementation here 27 will aid in the speedy disposition of the entire controversy.

See *Fate Therapeutics, Inc. v. 28 Shoreline Biosciences, Inc.*, No. 22-cv-00676-H-MSB, 2023 WL 2456715 at *1 (S.D. Cal. 1 Jan. 31, 2023) (collecting cases finding that pending motions to dismiss are “moot in light 2 of supplemental complaint”). 3 So, plaintiff’s request for leave to file a supplemental pleading is granted, and 4 defendant’s motion to dismiss is denied as moot.

By March 3, 2026, plaintiff must file a 5 consolidated complaint because “it would be inefficient to permit a two-part operative 6 complaint and multiple pending motions to dismiss.” *Doe v. Butte Cnty. Prob. Dep’t*, No. 7 20-cv-02248-TLN-DMC, 2022 WL 705616 at *5 (E.D. Cal. March 9, 2022) (finding it 8 proper for the plaintiff to “file an amended complaint... that integrated the operative 9 Complaint and the proposed supplemental complaint.”).

Proceeding in this manner will 10 allow the court “to award complete relief in one action and avoid waste.” *Id.* (citing 11 *Planned Parenthood of S. Arizona v. Neely*, 130 F.3d 400, 402 (9th Cir. 1997) (noting that 12 “permitting the plaintiffs to supplement their complaint... [should] serve to promote 13 judicial efficiency” under Rule 15(d)). 14 B. Plaintiff’s Other Filings 15 Plaintiff also

filed “supplemental” briefs with seemingly preemptive responses to 16 counterarguments that could be made following defendant’s “voluntary cessation” of the 17 alleged wrongful conduct.

(ECF 45, at 3–4; see also ECF 47 (raising similar arguments).) 18 But defendant has not yet raised any of these issues, and plaintiff does not seek any other 19 relief in those filings. So they are denied. 20 CONCLUSION 21 Smith’s motions to supplement are GRANTED.

Under Local Rule 15.1(a), plaintiff 22 must file a fourth amended complaint, setting out all relevant facts including those alleged 23 to have developed after the filing of his third amended complaint, without reference or 24 reliance on his previous pleadings. Smith must file this new complaint by March 3, 2026. 25 Once again, “[i]f a plaintiff does not take advantage of the opportunity to fix his complaint, 26 a district court may convert the dismissal of the complaint into dismissal of the entire 27 action.” *Lira v. Herrera*, 427 F.3d 1164, 1169 (9th Cir.

2005). Smith’s extraneous briefs 28 are DENIED. TransUnion’s motion to dismiss is DENIED as moot. 1 Dated: February 6, 2026 3 Hon. Andrew G. Schopler 4 United States District Judge 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28