

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RUI CHEN AND WENJIAN GONZALES,

Plaintiffs,

vs.

PREMIER FINANCIAL ALLIANCE, INC. *et al.*,

Defendants.

Case No.: 18-CV-3771 YGR

ORDER GRANTING MOTION TO DISMISS;
STAYING CASE PENDING OUTCOME OF
MOTIONS IN RELATED ACTION

DKT. No. 70


Currently pending before the Court is the motion of defendants Life Insurance Company of the Southwest, National Life Insurance Company, NLV Financial Corporation, and National Life Holding Company to dismiss. (Dkt. No. 70.) For the reasons stated on the record at the case management conference of May 6, 2019, the Court **ORDERS** as follows:

(1) the motion to dismiss for lack of personal jurisdiction over National Life Insurance Company, National Life Holding Company, and NLV Financial Corporation is **GRANTED WITH LEAVE TO AMEND**.

(2) the motion to dismiss defendant Life Insurance Company of the Southwest (“LSW”) for failure to state a claim under Rule 12(b)(6) is **GRANTED WITH LEAVE TO AMEND** as to Claims 1-4 and 6-9. LSW was not named as a defendant to the federal securities fraud claim (Claim 5), so the motion to dismiss that claim is **DENIED**. The collective reference to “Defendants” or “Insurance Defendants” does not put LSW on fair notice of the basis for the claims against it for purposes of Rule 8, nor does it state with particularity the circumstances constituting fraud for the fraud-based claims.

This action is **STAYED** pending determination of the forthcoming motions to compel arbitration and to transfer in the related *Wang v. Life Insurance of the Southwest et al.* action, 19-cv-1150. Plaintiffs shall file their amended complaint, consolidated with the *Wang* complaint, by **August 2, 2019**.

IT IS SO ORDERED.
Date: May 8, 2019


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28