

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	2:13-cv-07738-SVW-AGR	Date	May 22, 2014
Title	Steven ("Laser") Haas v. Willard Mitt Romney, et al.		

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Present: The Honorable	STEPHEN V. WILSON, U.S. DISTRICT JUDGE		
	Paul M. Cruz		N/A
	Deputy Clerk		Court Reporter / Recorder
	Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:
	N/A		N/A

**Proceedings:** IN CHAMBERS ORDER DISMISSING CASE WITH PREJUDICE

Having reviewed the numerous documents filed by plaintiff over the course of the past seven months since this case was initiated, including four different versions of the massive and disjointed complaint, the Court concludes that the currently operative First Amended Complaint ("FAC") [6] must be dismissed pursuant to Federal Rules of Civil Procedure 8(a), 9(b), and 12(b)(6) for the reasons stated in the motions to dismiss filed by defendants Bain Capital and Goldman Sachs. (*See* Dkt Nos 59 & 82); *cf. McHenry v. Renne*, 84 F.3d 1172, 1177-80 (9th Cir. 1996) ("[T]he very prolixity of the complaint made it difficult to determine just what circumstances were supposed to have given rise to the various causes of action. . . . Something labeled a complaint but written more as a press release, prolix in evidentiary detail, yet without simplicity, conciseness and clarity as to whom plaintiffs are suing for what wrongs, fails to perform the essential functions of a complaint.") In view of this ruling, the Court need not address defendants' alternative arguments for dismissal under Rule 12(b)(1), (3), and (4).

The Court has also read plaintiff's proposed Second Amended Complaint [26] and proposed Third Amended Complaint [67]. These documents do not cure the defects in the First Amended Complaint identified by defendants. To the extent that plaintiff's federal claims can be deciphered, they attempt to assert claims under the Racketeering Influenced and Corrupt Organizations Act ("RICO"). Further amendment of these claims would be futile for two reasons. First, plaintiff's four previous attempts to draft the complaint have demonstrated his inability to allege the elements of a RICO violation in compliance with federal pleading standards. Second, the four-year statute of limitations applicable to civil RICO claims bars plaintiff's claims for the reasons explained by defendant Goldman Sachs. *Agency Holding Corp. v. Malley-Duff & Associates, Inc.*, 483 U.S. 143, 156 (1987); (*See* Dkt 82 at 7). In addition to his RICO claims, plaintiff makes cursory reference to claims under state law, but

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these allegations fail to satisfy the requirements of Rule 12(b)(6) and the proposed amendments do not improve matters. (*See* FAC ¶¶ 409-418; Dkt 67 ¶¶ 352-390.) Accordingly, the Court will dismiss the complaint without leave to amend.

Although plaintiff paid the filing fee when he initiated this case and did not at that time seek leave to proceed in forma pauperis, he has recently filed a request for leave to proceed in forma pauperis. (*See* Dkt 69.) That request, which is separate from a request to proceed in forma pauperis on appeal under 28 U.S.C. § 1915(a)(3), is moot in light of the dismissal of the complaint without leave to amend.

For the foregoing reasons, **IT IS HEREBY ORDERED THAT:**

(1) All pending motions are suitable for determination without oral argument, and the hearings previously scheduled for June 2, 2014, and June 9, 2014 are therefore VACATED.

(2) Plaintiff's motions to amend the complaint [26, 67] and motion for reconsideration of the order dismissing the MNAT defendants [77] are DENIED.

(3) Defendants motions to dismiss this case [59, 60, 61, 82] are GRANTED.

(4) The First Amended Complaint is DISMISSED WITH PREJUDICE.

(5) Plaintiff's motion for leave to proceed in forma pauperis in this Court [69] is DENIED AS MOOT.

(6) The Clerk shall close the case.

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