

NOT FOR PUBLICATION

FILED

UNITED STATES COURT OF APPEALS

MAR 29 2018

FOR THE NINTH CIRCUIT

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

LUCIA CANDELARIO, individually and
on behalf of all others similarly situated,

Plaintiff-Appellant,

v.

RIP CURL, INC., a California corporation
and DOES, 1-10, inclusive,

Defendants-Appellees.

No. 16-56382

D.C. No.

8:16-cv-00963-CJC-AGR

MEMORANDUM*

Appeal from the United States District Court
for the Central District of California
Cormac J. Carney, District Judge, Presiding

Submitted February 13, 2018**
Pasadena, California

Before: McKEOWN and WARDLAW, Circuit Judges, and QUIST,*** District
Judge.

* This disposition is not appropriate for publication and is not precedent
except as provided by Ninth Circuit Rule 36-3.

** The panel unanimously concludes this case is suitable for decision
without oral argument. *See* Fed. R. App. P. 34(a)(2).

*** The Honorable Gordon J. Quist, United States District Judge for the
Western District of Michigan, sitting by designation.

Lucia Candelario appeals the district court’s dismissal for lack of Article III standing of her putative class action lawsuit against Rip Curl, Inc. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

In her complaint, Candelario alleges that Rip Curl violated New Jersey’s Truth-in-Consumer Contract, Warranty and Notice Act, N.J. Stat. Ann. §§ 56:12-14 *et seq.* (“The Act”) because the terms and conditions on Rip Curl’s website deprived Candelario of a cause of action for risk created by Rip Curl and absolved Rip Curl of its duty to protect consumers from illegal acts of third parties. Candelario argues that, as a result of Rip Curl’s violation of the Act, she suffered “intangible, informational injuries” sufficient to trigger Article III standing.

Candelario’s arguments are foreclosed by *Bassett v. ABM Parking Services, Inc.*, No. 16-35933, 2018 WL 987954, at *1 (9th Cir. Feb. 21, 2018). As the district court noted, Candelario failed to identify any concrete informational injury. Candelario’s conclusory allegation that she suffered “intangible, informational injuries” based on a violation of the Act alone is too speculative to establish Article III standing. *See id.*

AFFIRMED.