UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

Sherman Ballard v. Equifax Information Services, LLC

Ballard · No. 0:25-CV-62108-AUGUSTIN-BIRCH · Decided December 10, 2025

SUMMARY

The United States District Court for the Southern District of Florida denied Equifax Information Services, LLC's motion to dismiss a Fair Credit Reporting Act claim under 15 U.S.C. § 1681g(a)(1). The court held that, even accepting Equifax's interpretation of the consumer-file disclosure requirement, the plaintiff sufficiently alleged that the omitted or incomplete information was included in credit reports. The court ordered Equifax to answer the complaint and required the parties to file a joint scheduling report.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	December 10, 2025
DOCKET	0:25-CV-62108-AUGUSTIN-BIRCH
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved to dismiss Plaintiff's single-count complaint alleging that Equifax violated 15 U.S.C. § 1681g(a)(1) by failing to disclose all information in his consumer file. The court denied the motion to dismiss.
STANDARD OF REVIEW	On a motion to dismiss, the court accepts the facts alleged in the complaint as true and draws all reasonable inferences in the plaintiff's favor.
PRECEDENTIAL VALUE	district court order; precedential status not stated in the source
PARTIES	Equifax Information Services, LLC v. Sherman Ballard

TOPICS

credit reporting · motions to dismiss · statutory interpretation · consumer protection · civil procedure

PRACTICE AREAS

Fair Credit Reporting Act consumer protection federal civil procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly stated a claim under 15 U.S.C. § 1681g(a)(1) based on allegations that Equifax failed to disclose full account numbers, account information, and payment history in Ballard's consumer file.
2. Whether the court should dismiss the complaint on the ground that the information required to be disclosed under § 1681g(a)(1) is limited to information that would appear in a consumer report.

HOLDINGS

1. The complaint stated a claim because Ballard alleged that the information missing or incomplete in the file Equifax provided was included in Equifax's reports to third parties.

KEY QUOTATIONS

> *"Every consumer reporting agency shall, upon request, . . . clearly and accurately disclose to the consumer . . . [a]ll information in the consumer's file at the time of the request."*

> *"Thus, even if the Court accepts the legal proposition on which the Motion to Dismiss is based, the Motion to Dismiss is due to be denied."*

FACTUAL BACKGROUND

Ballard requested a copy of his consumer file from Equifax. He alleged that the file omitted full account numbers and contained missing account information and payment history. He further alleged that the omitted or incomplete information was included in credit reports Equifax produced and sold to third parties.

PROCEDURAL HISTORY

Ballard filed a complaint asserting a violation of the Fair Credit Reporting Act. Equifax moved to dismiss, and the motion was fully briefed. Ballard moved for leave to file a sur-reply, but the court denied that request. The court denied Equifax's motion to dismiss and ordered Equifax to answer by December 24, 2025.

DISPOSITION

other

CASES CITED

- Tailford v. Experian Info. Sols., Inc., 26 F.4th 1092, 1101 (9th Cir. 2022)
- Gillespie v. Trans Union Corp., 482 F.3d 907, 909-10 (7th Cir. 2007)
- Barat v. Navy Fed. Credit Union, 127 F 4th 833, 835 (11th Cir. 2025)