

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
OHIO

Benson v. Tabor Recovery Group, LLC, et al.

Benson v. Tabor Recovery Group, LLC, No. 3:25-cv-44 (S.D. Ohio Feb. 26, 2026) · No. 3:25-cv-44 · Decided
February 26, 2026

SUMMARY

The United States District Court for the Southern District of Ohio denies without prejudice Defendants’ motion for partial judgment on the pleadings in an action alleging violations of the Fair Debt Collection Practices Act and Ohio Consumer Sales Practices Act, as well as intrusion on seclusion and civil conspiracy. The Court explains the Rule 12(c) standard and directs the parties to present their arguments through summary judgment briefing, extending the dispositive motions deadline to March 31, 2026.

CASE DETAILS

COURT	United States District Court for the Southern District of Ohio
WRITING FOR THE COURT	Michael J. Newman
JURISDICTION	United States District Court for the Southern District of Ohio
DECIDED	February 26, 2026
DOCKET	3:25-cv-44
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(c) for partial judgment on the pleadings. After briefing and completion of discovery, the court denied the motion without prejudice and extended the dispositive-motions deadline.
STANDARD OF REVIEW	A Rule 12(c) motion is analyzed under the same standard as a Rule 12(b)(6) motion. The court accepts well-pleaded factual allegations as true, construes the complaint in the plaintiff's favor, and draws reasonable inferences in the plaintiff's favor, but need not accept legal conclusions or unwarranted factual inferences. The complaint must contain sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished district court order

PARTIES

Lynette Benson, Charles Benson v. Tabor Recovery Group, LLC, Tony Adkins, Mark Richmond

TOPICS

motion for judgment on the pleadings

motions to dismiss

fair debt collection

consumer protection

civil procedure

PRACTICE AREAS

civil procedure

fair debt collection

consumer protection

torts

QUESTIONS PRESENTED

1. What standard governs defendants' motion for partial judgment on the pleadings under Federal Rule of Civil Procedure 12(c)?
2. Whether the court should resolve defendants' partial judgment-on-the-pleadings motion after discovery had been completed, or instead require the parties to present their arguments through summary judgment briefing.

HOLDINGS

1. Motions for judgment on the pleadings under Rule 12(c) are analyzed under the same standard as motions to dismiss under Rule 12(b)(6).
2. The defendants' motion for partial judgment on the pleadings was denied without prejudice because, in light of completed discovery and the procedural posture, the parties' arguments should be presented through summary judgment briefing.

KEY QUOTATIONS

“Motions for judgment on the pleadings under Rule 12(c) are analyzed under the same standard as motions to dismiss under Rule 12(b)(6).”

“The Court anticipates reviewing the parties’ arguments on summary judgment.”

FACTUAL BACKGROUND

Plaintiffs Lynette Benson and Charles Benson brought claims against Tabor Recovery Group, LLC, Tony Adkins, and Mark Richmond. The amended complaint alleges violations of the Fair Debt Collection Practices Act and Ohio Consumer Sales Practices Act, along with intrusion upon seclusion and civil conspiracy. The court noted that the parties had completed discovery, which informed its decision to address the parties' arguments through summary judgment rather than resolve them under the pending Rule 12(c) motion.

PROCEDURAL HISTORY

Plaintiffs filed an amended complaint asserting claims under the Fair Debt Collection Practices Act, the Ohio Consumer Sales Practices Act, intrusion upon seclusion, and civil conspiracy. Defendants moved for partial judgment on the pleadings, and the parties briefed the motion. Because discovery had been completed and the court considered summary judgment briefing the more efficient procedural vehicle, it denied the Rule 12(c) motion without prejudice and set March 31, 2026, as the dispositive-motions deadline.

DISPOSITION

other

CASES CITED

- Roth v. Guzman, 650 F.3d 603, 605 (6th Cir. 2011)
- JPMorgan Chase Bank, N.A. v. Winget, 510 F.3d 577, 581 (6th Cir. 2007)
- Royal Truck & Trailer Sales & Serv., Inc. v. Kraft, 974 F.3d 756, 758 (6th Cir. 2020)
- Jones v. City of Cincinnati, 521 F.3d 555, 559 (6th Cir. 2008)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- Meriwether v. Hartop, 992 F.3d 492, 514 (6th Cir. 2021)

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF OHIO WESTERN DIVISION AT DAYTON LYNETTE BENSON, et al., Plaintiffs, Case No. 3:25-cv-44 vs. TABOR RECOVERY District Judge Michael J. Newman GROUP, LLC, et al., Defendants. ORDER: (1) DENYING WITHOUT PREJUDICE DEFENDANTS' MOTION FOR PARTIAL JUDGMENT ON THE PLEADINGS (Doc. No. 20); (2) EXTENDING THE DISPOSITIVE MOTIONS DEADLINE; AND (3) SETTING A DISPOSITIVE MOTIONS DEADLINE OF MARCH 31, 2026 Plaintiffs Lynette Benson and Charles Benson, through counsel, bring this civil case under the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692, et seq., against Defendants Tabor Recovery Group, LLC, Tony Adkins, and Mark Richmond.

Doc. No. 2. Plaintiffs' amended complaint further alleges violations of the Ohio Consumer Sales Practices Act ("OCSPA"), Ohio Rev. Code § 1345.02, against Defendants as well as an intrusion on seclusion claim and a civil conspiracy claim. Id. at PageID 33-37. This case is before the Court on Defendants' Fed. R. Civ. P. 12(c) motion for partial judgment on the pleadings.

Doc. No. 20. In response to the motion, Plaintiffs filed a memorandum in opposition (Doc. No. 24), and Defendant replied (Doc. No. 27). Thus, the motion is ripe for review. I. Motions for judgment on the pleadings under Rule 12(c) are analyzed under the same standard as motions to dismiss under Rule 12(b)(6). See Roth v. Guzman, 650 F.3d 603, 605 (6th Cir. 2011).

For both motions, “all well-pleaded material allegations of the pleadings of the opposing party must be taken as true, and the motion may be granted only if the moving party is nevertheless clearly entitled to judgment.” *JPMorgan Chase Bank, N.A. v. Winget*, 510 F.3d 577, 581 (6th Cir. 2007) (quotation omitted).

The Court “construe[s] the complaint in the light most favorable to the plaintiff, accept[s] its allegations as true, and draw[s] all reasonable inferences in favor of the plaintiff.” *Royal Truck & Trailer Sales & Serv., Inc. v. Kraft*, 974 F.3d 756, 758 (6th Cir. 2020) (quoting *Jones v. City of Cincinnati*, 521 F.3d 555, 559 (6th Cir. 2008)).

However, the Court “need not accept as true legal conclusions or unwarranted factual inferences.” *Winget*, 510 F.3d at 582–83 (citation omitted) (quotation omitted). A complaint will not suffice if it offers only “labels and conclusions” or “a formulaic recitation of the elements of a cause of action.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl.*

Corp. v. Twombly, 550 U.S. 544, 555 (2007)). Instead, to survive a Rule 12(b)(6) review, “a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Id.* (quoting *Twombly*, 550 U.S. at 570). A plaintiff must plead “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* “Where a complaint pleads facts that are ‘merely consistent with’ a defendant’s liability, it ‘stops short of the line between possibility and plausibility of ‘entitlement to relief.’”” *Id.* (quoting *Twombly*, 550 U.S. at 557).

Rule 12(b)(6), like all other Federal Rules of Civil Procedure, “should be construed, administered, and employed by the court and the parties to secure the just, speedy, and inexpensive determination of every action and proceeding.” Fed. R. Civ. P. 1. II.

Having carefully and thoroughly considered the pleadings and briefing in support of, and in opposition to, Defendants’ motion, and having been advised that they have completed discovery, along with the procedural posture of this case, the efficient and appropriate way forward is to consider the parties’ arguments on summary judgment with citations to the Record.

See, e.g., *Meriwether v. Hartop*, 992 F.3d 492, 514 (6th Cir. 2021). III. Accordingly, Defendants’ motion for partial judgment on the pleadings is DENIED WITHOUT PREJUDICE. The Court anticipates reviewing the parties’ arguments on summary judgment.

In anticipation that the parties will likely need a continuance of the dispositive motions deadline, the Court EXTENDS this deadline and SETS a dispositive motions deadline of March 31, 2026. IT IS SO ORDERED. February 26, 2026 s/Michael J. Newman Hon. Michael J. Newman United States District Judge

