UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF FLORIDA, ORLANDO DIVISION

Mary-Denise Roberts and Stephen K. Roberts v. USAA Federal Savings Bank, Apple Payments, Inc., and Green Dot Bank

Roberts · No. 6:25-cv-886-JA-LHP · Decided February 2, 2026

SUMMARY

The United States District Court for the Middle District of Florida grants Apple Payments, Inc.'s motion to dismiss claims brought under the Electronic Fund Transfers Act and Regulation E. The court concludes that the complaint does not plausibly allege that Apple is a financial institution because it does not allege that Apple holds consumer accounts, issues an access device, or agrees with consumers to provide electronic fund transfer services. The claims against Apple are dismissed without prejudice, and plaintiffs are permitted to file an amended complaint.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Orlando Division
JURISDICTION	United States District Court for the Middle District of Florida, Orlando Division
DECIDED	February 2, 2026
DOCKET	6:25-cv-886-JA-LHP
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Apple Payments, Inc. moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiffs' Electronic Fund Transfer Act claims against it.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains sufficient factual matter to state a plausible claim for relief. The court generally considers the complaint, documents central to or referenced in it, and matters subject to judicial notice.
PRECEDENTIAL VALUE	Unpublished district court order; persuasive value only

TOPICS

motions to dismiss · consumer protection · statutory interpretation · pleadings · civil procedure

PRACTICE AREAS

consumer protection | electronic fund transfers | civil procedure

QUESTIONS PRESENTED

1. Whether the complaint plausibly alleged that Apple Payments, Inc. was a financial institution subject to the Electronic Fund Transfer Act.
2. Whether the complaint plausibly alleged that Apple indirectly held a consumer account, issued an access device, or agreed with consumers to provide electronic fund transfer services.
3. Whether Plaintiffs could rely on factual allegations and legal theories asserted for the first time in their opposition to the motion to dismiss.

HOLDINGS

1. The complaint failed to plausibly allege that Apple Payments, Inc. was a financial institution subject to the EFTA because it did not allege facts showing that Apple held a consumer account, issued an access device, or agreed with a consumer to provide electronic fund transfer services.
2. Allegations that Apple enabled financial transactions through a banking-as-a-service relationship with Green Dot and exercised operational control over payment processes did not plausibly allege that Apple held a consumer account.
3. The complaint did not plausibly allege that Plaintiffs' Apple Pay credentials were an access device within the meaning of the EFTA because it alleged that the credentials accessed Mrs. Roberts's iPhone, not the consumer account from which the funds were transferred.

KEY QUOTATIONS

> *"To survive a [Rule 12(b)(6)] motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'"*

> *"But assertions of Apple's purported "operational control" over certain payment processes do not amount to a plausible allegation that Apple is a holder of the account."*

> *"The Court is "not bound to accept as true a legal conclusion couched as a factual allegation.""*

FACTUAL BACKGROUND

On October 8, 2024, Mary-Denise Roberts was deceived by a fraudster impersonating a USAA representative and provided her Apple Pay credentials. The fraudster used those credentials to access her iPhone and initiate two unauthorized transfers totaling $9,286.80 from her USAA account to her Apple Pay account, after which the funds were sent to unknown bank accounts. USAA initially issued a provisional credit but later rejected the dispute, and Apple and Green Dot likewise denied Plaintiffs' claim.

PROCEDURAL HISTORY

Plaintiffs sued USAA Federal Savings Bank, Apple Payments, Inc., and Green Dot Bank under the Electronic Fund Transfer Act and Regulation E after unauthorized transfers from a USAA account. Apple moved to dismiss, arguing that it was not a financial institution subject to the EFTA. The court granted the motion and dismissed the claims against Apple without prejudice, allowing Plaintiffs to amend by February 17, 2026.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- LaGrasta v. First Union Sec., Inc., 358 F.3d 840, 845 (11th Cir. 2004)
- Edson v. Wells Fargo Bank N.A., 2025 WL 890787, at *2 (N.D. Fla. Mar. 5, 2025)
- Allen v. St. John, 827 F. App'x 1002, 1007 n.7 (11th Cir. 2020)
- Gilmour v. Gates, McDonald & Co., 382 F.3d 1312, 1315 (11th Cir. 2004)
- Lumbus v. Huntington Bank, No. 1:25-CV-00190, 2025 WL 2391456, at *6 (N.D. Ohio Aug. 18, 2025)
- Tristan v. Bank of Am., No. SACV2201183DOCADS, 2023 WL 4417271, at *11-*12 (C.D. Cal. June 28, 2023)
- Lion Fed. Credit Union v. Worldpay, LLC, No. 1:24-CV-163, 2024 WL 1704551, at *10 n.6 (S.D. Ohio Apr. 19, 2024)
- Saldate v. Apple Inc., 2025 WL 1094307, at *2-*3 (D. Ariz. Apr. 11, 2025)
- Pinnock o/b/o ADA Consultants & Advisors, Inc. v. Wal-Mart Stores, Inc., No. 6:09-cv-143-Orl, 2009 WL 10670000, at *1 n.1 (M.D. Fla. Aug. 10, 2009)
- Ray v. McCullough Payne & Haan, LLC, 838 F.3d 1107, 1109 (11th Cir. 2016)