UNITED STATES DISTRICT COURT FOR THE DISTRICT OF ARIZONA

# Robert Rye, Sr. v. Equifax Information Services LLC, et al.

No. CV-25-02903-PHX-SPL (D. Ariz. Mar. 31, 2026) · No. No. CV-25-02903-PHX-SPL · Decided March 31, 2026

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## SUMMARY


The United States District Court for the District of Arizona grants Greater Texas Federal Credit Union's motion to dismiss an FCRA complaint for lack of personal jurisdiction. The court concludes that the plaintiff failed to show that the credit union expressly aimed intentional acts at Arizona or otherwise established sufficient minimum contacts for specific jurisdiction. The claim against Greater Texas Federal Credit Union is dismissed without prejudice, and the action is terminated.


## CASE DETAILS

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| COURT | United States District Court for the District of Arizona |
| JURISDICTION | United States District Court for the District of Arizona |
| DECIDED | March 31, 2026 |
| DOCKET | No. CV-25-02903-PHX-SPL |
| DISPOSITION | dismissed |
| PROCEDURAL POSTURE | Defendant Greater Texas Federal Credit Union moved under Federal Rule of Civil Procedure 12(b)(2) to dismiss the plaintiff's Fair Credit Reporting Act claims for lack of personal jurisdiction. |
| STANDARD OF REVIEW | On a Rule 12(b)(2) motion decided without an evidentiary hearing, the plaintiff must make a prima facie showing of personal jurisdiction. Uncontroverted allegations are taken as true, but the plaintiff may not rely solely on bare allegations. |
| PRECEDENTIAL VALUE | Unknown; district court order |
| PARTIES | Robert Rye, Sr. v. Greater Texas Federal Credit Union, Equifax Information Services LLC |

## TOPICS

personal jurisdiction · motions to dismiss · credit reporting · civil procedure · bankruptcy

## PRACTICE AREAS

civil procedure · consumer protection · credit reporting · bankruptcy

## QUESTIONS PRESENTED

1. Whether the District of Arizona could exercise general personal jurisdiction over Greater Texas Federal Credit Union.
2. Whether the District of Arizona could exercise specific personal jurisdiction over Greater Texas Federal Credit Union based on its alleged FCRA-related reporting conduct, banking transactions with Rye, and participation in Rye's Arizona bankruptcy proceeding.

## HOLDINGS

1. The court lacked general personal jurisdiction over Greater Texas Federal Credit Union in the District of Arizona, and the plaintiff conceded that general jurisdiction was unavailable.
2. The plaintiff failed to establish the purposeful-direction requirement for specific personal jurisdiction because he did not show that the credit union expressly aimed its alleged FCRA-related acts at Arizona.

## KEY QUOTATIONS

> *"For a court to exercise personal jurisdiction, federal due process requires that a defendant have "certain minimum contacts" with the forum state "such that maintenance of the suit does not offend 'traditional notions of fair play and substantial justice.'""* (at 2)

> *"There must be contacts by the defendant with the forum, not merely with a forum resident."* (at 4)

> *"For all these reasons, Plaintiff has failed to establish that Defendant expressly aimed any intentional acts toward Arizona."* (at 4)

## FACTUAL BACKGROUND

Rye maintained accounts with Greater Texas Federal Credit Union, including a credit card account opened in 2009. After Rye filed a Chapter 13 bankruptcy in Arizona and received a discharge in 2023, he alleged that the credit union furnished information to Equifax inaccurately reporting the account as charged off with a balance of $24,938. Rye disputed the reporting, alleged that Equifax forwarded the dispute to the credit union, and claimed that the credit union failed to conduct a reasonable investigation and continued furnishing inaccurate information.

## PROCEDURAL HISTORY

Rye filed an FCRA action against Equifax Information Services LLC and Greater Texas Federal Credit Union in the District of Arizona. Equifax was later dismissed with prejudice by stipulation. The remaining defendant moved to dismiss for lack of personal jurisdiction, and the court granted the motion and dismissed the claims against Greater Texas Federal Credit Union without prejudice.

## DISPOSITION

dismissed

CASES CITED

- Partridge v. Reich, 141 F.3d 920, 926 (9th Cir. 1998)
- Schwarzenegger v. Fred Martin Motor Co., 374 F.3d 797, 800 (9th Cir. 2004)
- Caruth v. International Psychoanalytical Association, 59 F.3d 126, 128 (9th Cir. 1995)
- Biliack v. Paul Revere Life Insurance Co., 265 F. Supp. 3d 1003, 1007 (D. Ariz. 2017)
- International Shoe Co. v. State of Washington, International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945)
- Pebble Beach Co. v. Caddy, 453 F.3d 1151, 1155 (9th Cir. 2006)
- Mavrix Photo, Inc. v. Brand Technologies, Inc., 647 F.3d 1218, 1228 (9th Cir. 2011)
- Burger King Corp. v. Rudzewicz, Burger King Corp. v. Rudzewicz, 471 U.S. 462, 476-78 (1985)
- Myers v. Bennett Law Offices, 238 F.3d 1068, 1074 (9th Cir. 2001)
- Walden v. Fiore, Walden v. Fiore, 571 U.S. 277, 285 (2014)
- Zellerino v. Roosen, 118 F. Supp. 3d 946, 951 (E.D. Mich. 2015)
- Axiom Foods, Inc. v. Acerchem International, Inc., 874 F.3d 1064, 1070 (9th Cir. 2017)
- Kambarov v. Accurate Background, LLC, No. 3:23-cv-01103-YY, 2024 WL 5395289, at *5 (D. Or. Dec. 2, 2024)
- Deveroux v. TT Marketing, Inc., No. 1:18-CV-487 AWI SAB, 2018 WL 3968249, at *5 (E.D. Cal. Aug. 16, 2018)
- Zavala v. First Advantage Background Services Corp., No. 2:23-cv-02637-SPG-PD, 2025 WL 2324629, at *5 (C.D. Cal. May 27, 2025)

OPINION

1 WO 2 3 4 5 6 IN THE UNITED STATES DISTRICT COURT 7 FOR THE DISTRICT OF ARIZONA 8 Robert Rye, Sr., ) No. CV-25-02903-PHX-SPL ) 9 ) 10 Plaintiff, ) ORDER vs. ) ) 11 ) Equifax Information Services LLC, et ) 12 al., ) 13 ) ) 14 Defendants. ) 15 Before the Court is Defendant Greater Texas Federal Credit Union's Motion to 16 Dismiss the Complaint (Doc. 11), Plaintiff Robert Rye Sr.'s Response (Doc.

15), and 17 Defendant's Reply (Doc. 19). For the following reasons, the Motion to Dismiss will be 18 granted.1 19 I. BACKGROUND 20 This case arises out of alleged violations of the Fair Credit Reporting Act ("FCRA"). 21 (Doc. 1 at 1, ¶ 1). Plaintiff brought suit against Equifax Information Services, LLC 22 ("Equifax"), which has since been dismissed from this case,2 and against Defendant 23 Greater Texas Federal Credit Union ("Defendant").

(See Doc. 1). Plaintiff opened a 24 25 1 Because it would not assist in resolution of the instant issues, the Court finds the pending motion is suitable for decision without oral argument. See

LRCiv. 7.2(f); Fed. R. 26 Civ. P. 78(b); Partridge v. Reich, 141 F.3d 920, 926 (9th Cir. 1998). 27 2 Plaintiff and Equifax filed a stipulation to dismiss Equifax as a party on February 20, 2026.

(Doc. 33). The Court granted the Stipulation for Dismissal and dismissed Equifax 28 with prejudice on February 23, 2026. (Doc. 34). 1 checking and savings account with Defendant in 1982 when he was thirteen years-old and 2 living in Texas. (Doc. 15 at 3). Plaintiff opened a credit card account with Defendant in 3 2009 when he was living in Virginia and moved to Arizona the following year, where he 4 has lived since.

(Id.). The reporting of Plaintiff's credit card account ("the Account") is at 5 issue here. (See Doc. 1). 6 On September 11, 2018, Plaintiff filed a Chapter 13 Bankruptcy in the District of 7 Arizona. (Id. at 10, ¶ 56). Plaintiff received an Order of Discharge on October 10, 2023 8 and alleges that the Account was discharged as part of the bankruptcy proceedings.

(Id. at 9 10–11, ¶¶ 58, 69). During the bankruptcy case, Plaintiff avers that Defendant "filed two 10 proof of claims" and "accept[ed] payments from Plaintiff." (Doc. 15 at 12). 11 After Plaintiff was discharged from the bankruptcy, Equifax prepared consumer 12 reports concerning Plaintiff. (Id. at 10–11). Plaintiff alleges that Equifax inaccurately 13 reported the Account as a "Charge-Off" account "with a balance of $24,938," even though 14 the Account was discharged through the bankruptcy proceedings.

(Id. at 11, ¶¶ 67–70). 15 Thus, Plaintiff alleges that Equifax inaccurately represented that Plaintiff was legally 16 responsible for a debt on the Account. (Id. at 12, ¶¶ 72–73). Plaintiff disputed the report 17 and informed Equifax that the Account was discharged through the bankruptcy 18 proceedings. (Id. ¶ 77). Plaintiff alleges that Equifax forwarded the dispute to Defendant, 19 but Defendant "failed to conduct a reasonable investigation" into the Account and instead 20 "continued to furnish inaccurate data to Equifax despite possessing information from which 21 [Defendant] could have reported [the Account] accurately." (Id. at 13–14, ¶¶ 87–88).

22 Plaintiff alleges that in failing to investigate the status of the Account, Defendant violated 23 the FCRA, 15 U.S.C. § 1681s-2(a), (b). (Id. at 20–23). 24 Defendant filed a Motion to Dismiss, arguing that this Court does not have personal 25 jurisdiction over Defendant, which is a credit union based in Austin, Texas. (Doc. 11). 26 Plaintiff asks the Court to deny the Motion.

27 II. LEGAL STANDARD 28 Federal Rule of Civil Procedure ("Rule") 12(b)(2) authorizes dismissal for lack of 1 personal jurisdiction. When a defendant moves to dismiss for lack of personal jurisdiction, 2 "the plaintiff bears the burden of demonstrating that jurisdiction is appropriate." 3 Schwarzenegger v. Fred Martin Motor Co., 374 F.3d 797, 800 (9th Cir. 2004).

When the 4 motion is based on written materials rather than an evidentiary hearing, as here, the Court 5 must determine "whether [the plaintiff's] pleadings and affidavits make a prima facie 6 showing of personal jurisdiction." Caruth v. International Psychoanalytical Ass'n, 59 F.3d 7 126, 128 (9th Cir. 1995). A plaintiff “cannot ‘simply rest on the bare allegations of its complaint,’” but “uncontroverted allegations in the complaint must be taken as true.” Schwarzenegger, 374 F.3d at 800 (citation omitted).

Federal courts ordinarily “appl[y] the law of the state in which the district court sits.” Id. “Arizona’s long-arm jurisdictional statute is co-extensive with federal due process requirements; therefore, the analysis of personal jurisdiction under Arizona law and federal due process is the same.” Biliack v. Paul Revere Life Ins. Co., 265 F. Supp. 3d 1003, 1007 (D. Ariz. 2017). For a court to exercise personal jurisdiction, federal due process requires that a defendant have “certain minimum contacts” with the forum state “such that maintenance of the suit does not offend ‘traditional notions of fair play and substantial justice.’” Int’l Shoe Co. v. Washington, 326 U.S. 310, 316 (1945) (citation omitted). Personal jurisdiction can be general or specific. Biliack, 265 F. Supp. 3d at 1007. The Ninth Circuit applies a three-prong test for specific personal jurisdiction:

(1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the forum, thereby invoking the benefits and protections of its laws; (2) the claim must be one which arises out of or relates to the defendant’s forum-related activities; and (3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable.

Schwarzenegger, 374 F.3d at 802. The plaintiff bears the burden of establishing the first two prongs. Id. If the first two prongs are satisfied, the burden shifts to the defendant “to ‘present a compelling case’ that the exercise of jurisdiction would not be reasonable.” Id. (quoting Burger King Corp. v. Rudzewicz, 471 U.S. 462, 476–78 (1985)).

## III. DISCUSSION

In the Motion to Dismiss, Defendant argues that this Court lacks both general and specific personal jurisdiction over Defendant. (Doc. 11 at 3–11). Plaintiff concedes that Defendant is not subject to general personal jurisdiction in the District of Arizona.[3] (Doc. 14 at 8). Thus, the parties dispute whether Defendant has sufficient minimum contacts such that there is specific personal jurisdiction in the District of Arizona.

Turning to the first prong of the specific personal jurisdiction analysis, Plaintiff must demonstrate that Defendant “either (1) ‘purposefully availed’ himself of the privilege of conducting activities in the forum, or (2) ‘purposefully directed’ his activities toward the forum.” Pebble Beach Co. v. Caddy, 453 F.3d 1151, 1155 (9th Cir. 2006) (quoting Schwarzenegger, 374 F.3d at 802). Both parties appear to agree that purposeful direction test applies here. (See Docs. 11, 15, 19). “In tort cases, we typically inquire whether a defendant ‘purposefully direct[s] his activities’ at the forum state, applying an ‘effects’ test that focuses on the forum in which the defendant’s actions were felt, whether or not the actions themselves occurred within the forum.” Mavrix Photo, Inc. v. Brand Techs., Inc., 647 F.3d 1218, 1228 (9th Cir.

2011) (alteration in original) (citation omitted). The effects test, which determines if the purposeful direction element is met, requires that “the defendant allegedly must have (1) committed an intentional act, (2) expressly aimed at the forum state, (3) causing harm that the defendant knows is likely to be suffered in the forum state.” Id. (citation omitted).

Plaintiff argues that “[b]y not investigating Plaintiff’s dispute, and confirming inaccurate information to Equifax, [Defendant] was committing an intentional act aimed at 3 Defendant points out that Plaintiff alleged in his Complaint that “[v]enue in the District of Texas is proper.” (Doc. 11 at 2 (citing Doc. 1 at 2)).

Because Plaintiff filed the Complaint in the District of Arizona and argues in his Response that this Court has personal jurisdiction over Defendant, the Court will interpret that allegation as error, rather than as a concession. Plaintiff in Arizona.” (Doc. 15 at 12). Plaintiff also asserts that Defendant “engaged in transactions with Plaintiff in the State or Arizona” because Plaintiff “made deposits,” “withdrew money,” “received credit,” and “received monthly bank statements” from Defendant.

(Id. at 11). Further Plaintiff argues that Defendant knew Plaintiff resided in Arizona because it “filed two proof of claims” in Plaintiff’s bankruptcy case in Arizona and that by “accepting payments from Plaintiff during Plaintiff’s bankruptcy,” Defendant engaged in intentional acts aimed at Arizona. (Id. at 12). In Myers v. Bennett Law Offs., 238 F.3d 1068, 1074 (9th Cir.

2001), the Ninth Circuit evaluated specific personal jurisdiction in the context of FCRA claims. The Ninth Circuit determined that the defendant in Myers purposefully availed itself in the forum state because “the primary damage is the mental distress” which could “only be felt where Plaintiffs’ ‘sensibilities’ reside.” Id. (citations omitted). It determined that the state where the plaintiff lived “is the focal point of both the credit report inquiry and of the harm suffered.” Id. (citations and alterations omitted).

However, other courts have noted that this rule does not square with the United States Supreme Court’s more recent decision in Walden v. Fiore, 571 U.S. 277, 285 (2014), in which the Court held that “the plaintiff cannot be the only link between the defendant and the forum.” See, e.g., Zellerino v. Roosen, 118 F. Supp. 3d 946, 951 (E.D. Mich. 2015); Deveroux v. TT Marketing, Inc., No. 1:18-CV-487 AWI SAB, 2018 WL 3968249, at *5 (E.D.

Cal. Aug. 16, 2018). Indeed, the Ninth Circuit has since clarified: “Following Walden, we now hold that while a theory of individualized targeting may remain relevant to the minimum contacts inquiry, it will not, on its own, support the exercise of specific jurisdiction, absent compliance with what Walden requires.” Axiom Foods, Inc. v. Acerchem Intern., Inc., 874 F.3d 1064, 1070 (9th Cir.

2017). Here, Plaintiff has failed to show that Defendant’s acts were expressly aimed at the forum state. The theory behind Plaintiff’s claim is that Defendant “failed to conduct a reasonable investigation” into the status of the Account and “continued to furnish inaccurate data to Equifax despite possessing information” to the contrary. (Doc. 1 at 13–14, ¶¶ 87–88).

But Plaintiff does not plead, or explain in the briefing, how this the failure to investigate or the reporting to Equifax constitutes an act expressly aimed at Arizona. (See Docs. 1, 15). Plaintiff argues that there is purposeful direction because Defendant knew Plaintiff was a resident of Arizona, as evidenced by Defendant’s participation in the bankruptcy case and the fact that Defendant engaged in banking transactions with Plaintiff.

(Doc. 15 at 11–12). However, the fact that Defendant knew Plaintiff resided in Arizona when it furnished the credit information to Equifax does not establish purposeful direction because “the mere knowledge that plaintiff lived in [the forum state] or that the effects of [the act] would be felt here is not sufficient, without something more, to establish personal jurisdiction.” Kambarov v. Accurate Background, LLC, No. 3:23-cv-01103-YY, 2024 WL 5395289, at *5 (D.

Or. Dec. 2, 2024); see also Deveroux, 2018 WL 3968249, at *5 (concluding that “direct targeting alone is not sufficient” when the plaintiff alleged that the defendant misreported the debt, knowing that the plaintiff was a resident of the forum state). Moreover, the other acts Plaintiff identifies, such as Defendant’s participation in the bankruptcy proceedings and furnishing of monthly reports to Plaintiff, are not sufficient to confer personal jurisdiction. “There must be contacts by the defendant with the forum, not merely with a forum resident.” Deveroux, 2018 WL 3968249, at *5.

Plaintiff has not provided examples of any of Defendant’s own acts that would constitute purposeful direction or purposeful availment in Arizona. Cf. Zavala v. First Advantage Background Servs. Corp., No. 2:23-cv-02637-SPG-PD, 2025 WL 2324629, at *5 (C.D. Cal. May 27, 2025) (“By advertising the availability of services in California, entering into a contract to conduct a public records search in California, and actually conducting the search in the state, with knowledge that the search would be used to determine the employment of a California resident by a California company, [the defendant] purposefully directed its activities at California.”).

Finally, to the extent that Defendant’s participation in the bankruptcy proceedings constitute an intentional act aimed at the forum state, Plaintiff does not allege that those acts caused harm, nor can it be said that the claim arises out of those acts. See Mavrix Photo, 647 F.3d at 1228; Schwarzenegger, 374 F.3d at 802.

Therefore, Plaintiff has not shown that the first prong of the specific personal jurisdiction test is satisfied. See Schwarzenegger, 374 F.3d at 802. IV. CONCLUSION For all these reasons, Plaintiff has failed to establish that Defendant expressly aimed any intentional acts toward Arizona. There is no general or personal jurisdiction over Defendant in this district.

The Court will grant the Motion and dismiss Defendant Greater Texas Federal Credit Union from this action. Accordingly, IT IS ORDERED that Defendant Greater Texas Federal Credit Union's Motion to Dismiss the Complaint (Doc. 11) is granted. Plaintiffs claim against Defendant Greater Texas Federal Credit Union is dismissed without prejudice. IT IS FURTHER ORDERED that the Clerk of Court shall terminate this action accordingly.

Dated this 31st day of March, 2026. United States District Lidge