

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

OPINION

Rye

PER CURIAM.

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 8 complaint,’” but “uncontroverted allegations in the complaint must be taken as true.” 9 *Schwarzenegger*, 374 F.3d at 800 (citation omitted). 10 Federal courts ordinarily “appl[y] the law of the state in which the district court 11 sits.” Id. “Arizona’s long-arm jurisdictional statute is co-extensive with federal due process 12 requirements; therefore, the analysis of personal jurisdiction under Arizona law and federal 13 due process is the same.” *Biliack v. Paul Revere Life Ins. Co.*, 265 F. Supp. 3d 1003, 1007 14 (D. Ariz. 2017). For a court to exercise personal jurisdiction, federal due process requires 15 that a defendant have “certain minimum contacts” with the forum state “such that 16 maintenance of the suit does not offend ‘traditional notions of fair play and substantial 17 justice.’” *Int’l Shoe Co. v. Washington*, 326 U.S. 310, 316 (1945) (citation omitted). 18 Personal jurisdiction can be general or specific. *Biliack*, 265 F. Supp. 3d at 1007. 19 The Ninth Circuit applies a three-prong test for specific personal jurisdiction: 20 (1) The non-resident defendant must purposefully direct his activities or consummate some transaction with the forum or 21 resident thereof; or perform some act by which he purposefully avails himself of the privilege of conducting activities in the 22 forum, thereby invoking the benefits and protections of its laws; 23 (2) the claim must be one which arises out of or relates to the 24 defendant’s forum-related activities; and 25 (3) the exercise of jurisdiction must comport with fair play and substantial justice, i.e. it must be reasonable. 26 *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.* 2 (quoting *Burger King Corp. v. Rudzewicz*, 471 U.S. 462, 476–78 (1985)).

3 III. DISCUSSION

4 In the Motion to Dismiss, Defendant argues that this Court lacks both general and 5 specific personal jurisdiction over Defendant. (Doc. 11 at 3–11). Plaintiff concedes that 6 Defendant is not subject to general personal jurisdiction in the District of Arizona.³ (Doc. 7 14 at 8). Thus, the parties dispute whether Defendant has sufficient minimum contacts such 8 that there is specific personal jurisdiction in the District of Arizona. 9 Turning to the first prong of the specific personal jurisdiction analysis, Plaintiff must 10 demonstrate that Defendant “either (1) ‘purposefully availed’ himself of the privilege of 11 conducting activities in the forum, or (2) ‘purposefully directed’ his activities toward the 12 forum.” *Pebble Beach Co. v. Caddy*, 453 F.3d 1151, 1155 (9th Cir. 2006) (quoting 13 *Schwarzenegger*, 374 F.3d at 802). Both parties appear to agree that purposeful direction 14 test applies here. (See Docs. 11, 15, 19). “In tort cases, we typically inquire whether a 15 defendant ‘purposefully direct[s] his activities’ at the forum state, applying an ‘effects’ test 16 that focuses on the forum in which the defendant’s actions were felt, whether or not the 17 actions themselves occurred within the forum.” *Mavrix Photo, Inc. v. Brand Techs., Inc.*, 18 647 F.3d 1218, 1228 (9th Cir. 2011) (alteration in original) (citation omitted). The effects 19 test, which determines if the purposeful direction element is met, requires that “the 20 defendant allegedly must have (1) committed an intentional act, (2) expressly aimed at the 21 forum state, (3) causing harm that the defendant knows is likely to be suffered in the forum 22 state.” *Id.* (citation omitted). 23 Plaintiff argues that “[b]y not investigating Plaintiff’s dispute, and confirming 24 inaccurate information to Equifax, [Defendant] was committing an intentional act aimed at 25 26 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 27 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 28 a concession. 1 Plaintiff in Arizona.” (Doc. 15 at 12). Plaintiff also asserts that Defendant “engaged in 2 transactions with Plaintiff in the State or Arizona” because Plaintiff “made deposits,” 3 “withdrew money,” “received credit,” and “received monthly bank statements” from 4 Defendant. (*Id.* at 11). Further Plaintiff argues that Defendant knew Plaintiff resided in 5 Arizona because it “filed two proof of claims” in Plaintiff’s bankruptcy case in Arizona 6 and that by “accepting payments from Plaintiff during Plaintiff’s bankruptcy,” Defendant 7 engaged in intentional acts aimed at Arizona. (*Id.* at 12). 8 In *Myers v. Bennett Law Offs.*, 238 F.3d 1068, 1074 (9th Cir. 2001), the Ninth 9 Circuit evaluated specific personal jurisdiction in the context of FCRA claims. The Ninth 10 Circuit determined that the defendant in *Myers* purposefully availed itself in the forum state 11 because “the primary damage is the mental distress” which could “only be felt

where 12 Plaintiffs’ ‘sensibilities’ reside.” *Id.* (citations omitted). It determined that the state where 13 the plaintiff lived “is the focal point of both the credit report inquiry and of the harm 14 suffered.” *Id.* (citations and alterations omitted). However, other courts have noted that this 15 rule does not square with the United States Supreme Court’s more recent decision in 16 *Walden v. Fiore*, 571 U.S. 277, 285 (2014), in which the Court held that “the plaintiff 17 cannot be the only link between the defendant and the forum.” See, e.g., *Zellerino v. 18 Roosen*, 118 F. Supp. 3d 946, 951 (E.D. Mich. 2015); *Deveroux v. TT Marketing, Inc.*, No. 19 1:18-CV-487 AWI SAB, 2018 WL 3968249, at *5 (E.D. Cal. Aug. 16, 2018). Indeed, the 20 Ninth Circuit has since clarified: “Following *Walden*, we now hold that while a theory of 21 individualized targeting may remain relevant to the minimum contacts inquiry, it will not, 22 on its own, support the exercise of specific jurisdiction, absent compliance with what 23 *Walden* requires.” *Axiom Foods, Inc. v. Acerchem Intern., Inc.*, 874 F.3d 1064, 1070 (9th 24 Cir. 2017).

25 Here, Plaintiff has failed to show that Defendant’s acts were expressly aimed at the 26 forum state. The theory behind Plaintiff’s claim is that Defendant “failed to conduct a 27 reasonable investigation” into the status of the Account and “continued to furnish 28 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 2 to investigate or the reporting to Equifax constitutes an act expressly aimed at Arizona. 3 (See Docs. 1, 15). Plaintiff argues that there is purposeful direction because Defendant 4 knew Plaintiff was a resident of Arizona, as evidenced by Defendant’s participation in the 5 bankruptcy case and the fact that Defendant engaged in banking transactions with Plaintiff. 6 (Doc. 15 at 11–12). However, the fact that Defendant knew Plaintiff resided in Arizona 7 when it furnished the credit information to Equifax does not establish purposeful direction 8 because “the mere knowledge that plaintiff lived in [the forum state] or that the effects of 9 [the act] would be felt here is not sufficient, without something more, to establish personal 10 jurisdiction.” *Kambarov v. Accurate Background, LLC*, No. 3:23-cv-01103-YY, 2024 WL 11 5395289, at *5 (D. Or. Dec. 2, 2024); see also *Deveroux*, 2018 WL 3968249, at *5 12 (concluding that “direct targeting alone is not sufficient” when the plaintiff alleged that the 13 defendant misreported the debt, knowing that the plaintiff was a resident of the forum 14 state). 15 Moreover, the other acts Plaintiff identifies, such as Defendant’s participation in the 16 bankruptcy proceedings and furnishing of monthly reports to Plaintiff, are not sufficient to 17 confer personal jurisdiction. “There must be contacts by the defendant with the forum, not 18 merely with a forum resident.” *Deveroux*, 2018 WL 3968249, at *5. Plaintiff has not 19 provided examples of any of Defendant’s own acts that would constitute purposeful 20 direction or purposeful availment in Arizona. Cf. *Zavala v. First Advantage Background 21 Servs. Corp.*, No. 2:23-cv-02637-SPG-PD, 2025 WL 2324629, at *5 (C.D. Cal. May 27, 22 2025) (“By advertising the availability of services in California, entering into a contract to 23 conduct a public records search in California, and actually conducting the search in

the 24 state, with knowledge that the search would be used to determine the employment of a 25 California resident by a California company, [the defendant] purposefully directed its 26 activities at California.”). Finally, to the extent that Defendant’s participation in the 27 bankruptcy proceedings constitute an intentional act aimed at the forum state, Plaintiff does 28 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 3| satisfied. See *Schwarzenegger*, 374 F.3d at 802.

4 IV. CONCLUSION

5 For all these reasons, Plaintiff has failed to establish that Defendant expressly aimed 6 | any intentional acts toward Arizona. There is no general or personal jurisdiction over 7 | Defendant in this district. The Court will grant the Motion and dismiss Defendant Greater 8 | Texas Federal Credit Union from this action. 9 Accordingly, 10 IT IS ORDERED that Defendant Greater Texas Federal Credit Union’s Motion to 11 | Dismiss the Complaint (Doc. 11) is granted. Plaintiffs claim against Defendant Greater Texas Federal Credit Union is dismissed without prejudice. 13 IT IS FURTHER ORDERED that the Clerk of Court shall terminate this action 14| accordingly. 15 Dated this 31st day of March, 2026. 16 18 United States District Lidge 19 20 21 22 23 24 25 26 27 28