

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Browne v. Trans Union LLC

No. 4:24-CV-72-TLS-JEM (N.D. Ind. Dec. 3, 2025) · No. 4:24-CV-72-TLS-JEM · Decided December 3, 2025

SUMMARY

The United States District Court for the Northern District of Indiana denied Trans Union LLC’s motion for judgment on the pleadings based on the Fair Credit Reporting Act’s two-year statute of limitations. The court held that the plaintiff’s April 26, 2023 state-court complaint was timely filed and that the later complaint related back to it. The court also concluded that the defendant had not established that the original complaint was ineffective due to lack of service or failure to prosecute.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Theresa L. Springmann
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	December 3, 2025
DOCKET	4:24-CV-72-TLS-JEM
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for judgment on the pleadings under Federal Rule of Civil Procedure 12(c), asserting that Plaintiff's amended Fair Credit Reporting Act claims were barred by the statute of limitations. The court denied the motion.
STANDARD OF REVIEW	A Rule 12(c) motion is evaluated under the same standard as a Rule 12(b)(6) motion. The court construes the complaint in the light most favorable to the nonmovant, accepts factual allegations as true, and draws reasonable inferences in the nonmovant's favor. The defendant bears the burden of establishing the complaint's insufficiency.
PRECEDENTIAL VALUE	Unknown; the source metadata identifies the precedential status as Unknown.
PARTIES	Erin Browne v. Trans Union LLC

TOPICS

motion for judgment on the pleadings

statute of limitations

credit reporting

affirmative defenses

civil procedure

PRACTICE AREAS

civil procedure

consumer credit

Fair Credit Reporting Act

QUESTIONS PRESENTED

1. Whether Browne's FCRA claims were barred by the applicable two-year statute of limitations because the complaint removed to federal court was filed on November 15, 2024.
2. Whether the April 26, 2023 state-court complaint commenced the action for limitations purposes when Browne filed the complaint, summons, and filing fee, despite the absence of docketed service and the later replacement of that pleading.
3. Whether the November 15, 2024 pleading related back to the April 26, 2023 complaint under Indiana Trial Rule 15(C).
4. Whether Trans Union waived any defense based on insufficient service of process by failing to assert it in a Rule 12 motion or responsive pleading.

HOLDINGS

1. The statute-of-limitations defense did not warrant judgment on the pleadings because Browne's April 26, 2023 state-court filing was timely as to the earliest accrual dates identified for both FCRA claims.
2. The April 26, 2023 complaint, summons, and filing fee commenced the state-court action for statute-of-limitations purposes; the absence of a docketed return of service did not establish that the filing was ineffective.
3. The November 15, 2024 pleading was an amended pleading that related back to the April 26, 2023 complaint because it arose from the same conduct, transaction, or occurrence.
4. Trans Union waived any defense under Federal Rule of Civil Procedure 12(b)(5) based on insufficient service of process by failing to assert it in a pre-answer motion or responsive pleading.

KEY QUOTATIONS

"A motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) challenges the viability of a complaint by arguing that it fails to state a claim upon which relief may be granted." (Legal Standard)

"Under Indiana law, a statute of limitations continues to run until the plaintiff files a complaint, summons, and filing fee." (Analysis)

"For the reasons set forth above, the Court hereby DENIES Trans Union LLC's Motion to Dismiss Plaintiff's Amended Complaint [ECF No. 43]." (Conclusion)

FACTUAL BACKGROUND

Browne alleged that Trans Union violated the FCRA by failing to reasonably reinvestigate disputes concerning an NCS tradeline and by reporting inaccurate information to Purdue Federal Credit Union. She disputed the tradeline in April, June, and July 2021, and Trans Union allegedly issued an inaccurate report in August 2021. Browne filed a state-court complaint, summons, and filing fee on April 26, 2023, before the earliest two-year limitations period identified by the parties expired.

PROCEDURAL HISTORY

Browne filed an FCRA complaint against Trans Union in Indiana state court on April 26, 2023, together with a summons and filing fee. She filed a second complaint in the same cause number on November 15, 2024, which added an allegation concerning damages; Trans Union removed the action to federal court. After the federal court permitted Browne to file a more detailed amended complaint, Trans Union answered and moved for judgment on the pleadings based on the statute of limitations. The court concluded that the April 26, 2023 filing commenced the action before the limitations period expired and denied the motion.

DISPOSITION

other

CASES CITED

- Henson v. CSC Credit Servs., 29 F.3d 280, 284 (7th Cir. 1994)
- Gill v. City of Milwaukee, 850 F.3d 335, 339 (7th Cir. 2017)
- Camasta v. Jos. A. Bank Clothiers, Inc., 761 F.3d 732, 736 (7th Cir. 2014)
- Gen. Elec. Capital Corp. v. Lease Resol. Corp., 128 F.3d 1074, 1080 (7th Cir. 1997)
- Bell v. City of Chicago, 835 F.3d 736, 738 (7th Cir. 2016)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Gunn v. Cont'l Cas. Co., 968 F.3d 802, 806 (7th Cir. 2020)
- Sidney Hillman Health Ctr. of Rochester v. Abbott Lab'ys, Inc., 782 F.3d 922, 928 (7th Cir. 2015)
- Cancer Found., Inc. v. Cerberus Capital Mgmt., LP, 559 F.3d 671, 674 (7th Cir. 2009)
- Logan v. Wilkins, 644 F.3d 577, 582 (7th Cir. 2011)
- Zahran v. Transunion Corp., No. Civ. 01C1700, 2003 WL 1733561, at *8 (N.D. Ill. Mar. 31, 2003)
- Hyde v. Hibernia Nat'l Bank, 861 F.2d 446, 448 (5th Cir. 1988)
- Ray-Hayes v. Heinemann, 760 N.E.2d 172, 173-74 (Ind. 2002)
- Boostrom v. Bach, 622 N.E.2d 175, 175, 177 n.2 (Ind. 1993)
- Holmes v. Celadon Trucking Servs. of Ind., Inc., 936 N.E.2d 1254, 1256 (Ind. Ct. App. 2010)
- Novit v. Metro. Sch. Dist. of Warrant Twp., No. 1:21-CV-2168, 2023 WL 22191, at *7 (S.D. Ind. Jan. 3, 2023)
- Clemons v. City of Hobart, No. 2:17-CV-11, 2018 WL 1531787 (N.D. Ind. Mar. 29, 2018)
- Joseph v. Elan Motorsports Techs. Racing Corp., 638 F.3d 555, 558 (7th Cir. 2011)

- *McCarty v. Hosp. Corp. of Am.*, 580 N.E.2d 228, 231 (Ind. 1991)
- *City of Indianapolis v. Hicks*, 932 N.E.2d 227, 233 (Ind. Ct. App. 2010)
- *Ervin v. OS Rest. Servs., Inc.*, 632 F.3d 971, 977 (7th Cir. 2011)
- *Claiborne v. Wisdom*, 414 F.3d 715, 720 (7th Cir. 2005)
- *Smith v. Bayer Corp.*, 564 U.S. 299, 304 n.2 (2011)
- *Kurtzeborn v. Ritzhaupt*, No. 3:22-CV-746, 2023 WL 319406, at *1, *3 (S.D. Ill. Jan. 19, 2023)
- *McCullum v. Silver Cross Hosp.*, No. 99 C 4327, 2001 WL 969076, at *2-3 (N.D. Ill. Aug. 21, 2001)

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