UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF VIRGINIA, LYNCHBURG DIVISION

Brian Jeffrey Hall Jr. v. Halsted Financial Services, LLC

Hall v. Halsted Financial Services · No. 6:25-CV-00068 · Decided December 8, 2025

SUMMARY

The United States District Court for the Western District of Virginia grants Halsted Financial Services, LLC's motion to dismiss Brian Jeffrey Hall Jr.'s second amended complaint with prejudice. The court concludes that Hall failed to allege sufficient facts supporting claims under the Fair Credit Reporting Act and the Fair Debt Collection Practices Act, including 15 U.S.C. §§ 1681s-2(b), 1681n, 1681o, 1692g(b), and 1692e. The court dismisses the remaining motions as moot and directs the Clerk to close the case.

CASE DETAILS

COURT	United States District Court for the Western District of Virginia, Lynchburg Division
WRITING FOR THE COURT	Norman K. Moon
JURISDICTION	United States District Court for the Western District of Virginia, Lynchburg Division
DECIDED	December 8, 2025
DOCKET	6:25-CV-00068
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's second amended complaint for failure to state a claim.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and draws reasonable inferences in the plaintiff's favor, but it need not accept legal conclusions, unwarranted inferences, unreasonable conclusions, or arguments. The complaint must allege enough facts to state a claim that is plausible on its face. Pro se filings are construed liberally, although pro se plaintiffs must still plead sufficient facts.
PRECEDENTIAL VALUE	nonprecedential

PARTIES Brian Jeffrey Hall Jr. v. Halsted Financial Services, LLC

TOPICS

motions to dismiss | credit reporting | fair debt collection | consumer protection | civil procedure

PRACTICE AREAS

consumer protection | fair debt collection | credit reporting | civil procedure

QUESTIONS PRESENTED

1. Whether Hall sufficiently alleged a violation of 15 U.S.C. § 1681s-2(b), and derivative willful or negligent liability under §§ 1681n and 1681o.
2. Whether Hall sufficiently alleged a violation of 15 U.S.C. § 1692g(b) by failing to plead that he disputed the debt within thirty days after receiving the validation notice.
3. Whether telling Hall during a telephone call that Halsted's internal system listed him as deceased constituted a false, deceptive, or misleading representation in connection with debt collection under 15 U.S.C. § 1692e.

HOLDINGS

1. Hall failed to state a claim under 15 U.S.C. § 1681s-2(b) because he did not allege that Experian, a consumer reporting agency, notified Halsted of his dispute, and his allegation that Halsted failed to investigate was conclusory and unsupported by additional facts. Because the underlying § 1681s-2(b) claim failed, Hall could not establish derivative liability under §§ 1681n or 1681o.
2. Hall failed to state a § 1692g(b) claim because he did not allege when he received notice of the debt or otherwise allege that he disputed the debt within the statutory thirty-day period. Without a timely dispute, Halsted had no duty to verify the debt, and its collection activity could continue.
3. Hall failed to state a § 1692e claim because he did not allege that Halsted's statement that its internal system listed him as deceased was made in connection with an attempt to collect a debt or obtain information, and a reasonable consumer could not have been misled by the statement in the circumstances alleged.

KEY QUOTATIONS

> *"To survive a motion to dismiss under 12(b)(6), a plaintiff must allege "enough facts to state a claim to relief that is plausible on its face.""*

> *"Courts treat the thirty-day statutory requirement as a bright line; if a plaintiff fails to allege facts demonstrating they disputed the debt within the required period, a debt collector has no duty to verify the debt under § 1692g(b)."*

FACTUAL BACKGROUND

Hall alleged that Halsted was reporting a charged-off or collection account on his Experian credit report and that the account was inaccurate, unverifiable, and incomplete. He alleged that he disputed the debt with Halsted, Experian, and through the CFPB complaint portal, but did not allege when he first received notice of the debt or that Experian notified Halsted of a dispute. Hall also alleged that a Halsted representative told him that Halsted's internal system listed him as deceased, causing alleged credit, emotional, and reputational harm. Halsted's CFPB response stated that it was not a data furnisher, had not furnished information to a credit reporting agency, had notified its client of Hall's complaint, ceased communication attempts, and closed the account in its office.

PROCEDURAL HISTORY

Hall filed claims concerning allegedly inaccurate credit reporting and debt-collection conduct. The court previously dismissed his amended complaint without prejudice, then granted Hall leave to file a second amended complaint and reopened the case. Halsted moved to dismiss the second amended complaint, and the court granted the motion with prejudice, dismissed the remaining motions as moot, and directed the Clerk to close the case.

DISPOSITION

dismissed

CASES CITED

- Doe v. Va. Dep't of State Police, 713 F.3d 745, 758 (4th Cir. 2013)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 570 (2007)
- Kensington Volunteer Fire Dep't, Inc. v. Montgomery Cnty., 684 F.3d 462, 467 (4th Cir. 2012)
- Simmons v. United Mortg. & Loan Inv., LLC, 634 F.3d 754, 768 (4th Cir. 2011)
- Ashcroft v. Iqbal, 556 U.S. 662, 679 (2009)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- United States ex rel. Oberg v. Pa. Higher Educ. Assistance Agency, 745 F.3d 131, 136 (4th Cir. 2014)
- King v. Rubenstein, 825 F.3d 206, 212 (4th Cir. 2016)
- Roberts v. Carter-Young, 131 F.4th 241, 249 (4th Cir. 2025)
- Johnson v. MBNA Am. Bank, NA, 357 F.3d 426, 430 (4th Cir. 2004)
- Senftle v. Landau, 390 F. Supp. 2d 463, 475 (D. Md. 2005)
- Johnson v. BAC Home Loans Servicing, LP, 867 F. Supp. 2d 766, 784 (E.D. Va. 1984)
- United States v. Nat'l Fin. Servs., Inc., 98 F.3d 131, 135-36 (4th Cir. 1996)
- In re Dubois, 834 F.3d 522, 530 (4th Cir. 2016)
- Elyazidi v. SunTrust Bank, 780 F.3d 227, 234 (4th Cir. 2015)
- Younger v. Experian, 2023 WL 3260198 (E.D. Pa. May 4, 2023)