

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
NORTH CAROLINA

**Brittany Monet Baines v. Equifax, Inc., Experian Information
Solutions, Inc., and TransUnion**

Baines · No. No. 5:25-CV-454-BO · Decided March 1, 2026

SUMMARY

This Order and Memorandum and Recommendation addresses motions in Brittany Monet Baines’s Fair Credit Reporting Act action against Equifax, Experian, and TransUnion. The magistrate judge grants leave to file a surreply, denies certain motions as moot, recommends denying Equifax’s motion to dismiss without prejudice to amendment, and recommends denying motions for entry of default based on inadequate service. The recommendation advises the plaintiff to file one consolidated amended complaint containing concise factual allegations and all claims and requested relief.

CASE DETAILS

COURT	United States District Court for the Eastern District of North Carolina
WRITING FOR THE COURT	Brian S. Meyers
JURISDICTION	United States District Court for the Eastern District of North Carolina, Western Division
DECIDED	March 1, 2026
DOCKET	No. 5:25-CV-454-BO
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought claims under the Fair Credit Reporting Act. Equifax moved to dismiss under Federal Rule of Civil Procedure 12(b)(6), or alternatively for a more definite statement under Rule 12(e). Plaintiff moved for expedited relief, leave to file a surreply, and entry of default against Experian and TransUnion. The magistrate judge granted leave to file the surreply, denied certain motions as moot or denied, and issued a memorandum and recommendation to deny Equifax's motion as moot without prejudice and permit amendment.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, draws reasonable inferences in the plaintiff's favor, and determines whether the complaint states a facially plausible claim. Legal conclusions and formulaic recitations are not assumed true. A

Rule 12(e) motion is appropriate only when a pleading is so vague or ambiguous that the responding party cannot reasonably prepare a response. Entry of default requires effective service of process, which the plaintiff bears the burden of establishing. Objections to the memorandum and recommendation are subject to de novo review by the district judge under 28 U.S.C. § 636(b)(1) and Rule 72(b)(3).

PRECEDENTIAL VALUE

unpublished

PARTIES

Brittany Monet Baines v. Equifax, Inc., Experian Information Solutions, Inc., TransUnion

TOPICS

motions to dismiss

service of process

default

credit reporting

pleadings

PRACTICE AREAS

Civil procedure

Fair Credit Reporting Act

Consumer protection

Credit reporting

QUESTIONS PRESENTED

1. Whether the complaint stated a plausible Fair Credit Reporting Act claim under Federal Rule of Civil Procedure 8(a) and Rule 12(b)(6).
2. Whether Equifax was entitled to a more definite statement under Federal Rule of Civil Procedure 12(e).
3. Whether the plaintiff should be permitted to file a consolidated amended complaint instead of having the deficient complaint dismissed immediately.
4. Whether default could be entered against Experian and TransUnion when the plaintiff had not established valid service of process.
5. Whether the plaintiff's motions to expedite, for expedited ruling, and for leave to file a surreply should be granted.

HOLDINGS

1. The complaint failed to state a claim because it contained conclusory allegations and did not identify the allegedly false tradelines, the inaccurate information, the nature of the alleged reinsertion or score corrections, or how each defendant's conduct caused actionable harm.
2. The plaintiff could not cure the deficient complaint through exhibits and new factual allegations submitted in later filings opposing dismissal, particularly where those materials were not attached to or incorporated into the complaint.
3. Default could not be entered because the plaintiff had not established effective service of process on the defendants, and her personal mailing of summonses and complaints did not satisfy the Federal Rules of Civil Procedure.

4. The plaintiff should be granted leave to file one consolidated amended complaint containing all claims against all defendants and requested relief in a short, plain, simple, concise, and direct pleading.

KEY QUOTATIONS

“A motion to dismiss pursuant to Rule 12(b)(6) should be granted only if “it appears certain that the plaintiff[s] cannot prove any set of facts in support of [their] claim entitling [them] to relief.”” (4)

“To survive a 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.’” (5)

“It is axiomatic that service of process must be effective under the Federal Rules of Civil Procedure before a default . . . may be entered against a defendant.” (13)

“The presiding district judge must conduct his own review (that is, a de novo determination) of those portions of the Memorandum and Recommendation to which objection is properly made and may accept, reject, or modify the determinations in the Memorandum and Recommendation.” (18)

FACTUAL BACKGROUND

Baines alleged that the credit-reporting defendants continued reporting false or inaccurate tradelines, failed to flag disputed information, failed to conduct reasonable investigations, and failed to correct or delete disputed information. She alleged that these actions harmed her ability to obtain affordable credit, housing, and other financial opportunities. She identified claims under several provisions of the Fair Credit Reporting Act and sought actual damages, punitive damages, deletion of disputed tradelines, injunctive relief, and costs.

PROCEDURAL HISTORY

Plaintiff filed the complaint on July 29, 2025, alleging that the defendants willfully and negligently failed to ensure accurate credit reporting, investigate disputes, and correct or delete inaccurate information. Equifax moved to dismiss, while plaintiff sought default against Experian and TransUnion. The magistrate judge concluded that the complaint was deficient under Rules 8 and 12(b)(6), but recommended allowing one consolidated amended complaint rather than dismissing immediately. The recommendation was subject to objections and de novo review by the presiding district judge.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. The magistrate judge ordered that plaintiff's motions to expedite and for expedited ruling were denied as moot, and her motion for leave to file a surreply was granted. The magistrate judge recommended that Equifax's motion to dismiss or for a more definite statement be denied as moot without prejudice; that plaintiff be allowed 14 days after entry of the district judge's order to file one consolidated amended complaint; and that failure to amend within that period result in dismissal with prejudice. Plaintiff's motions to expedite entry of

default and for renewed entry of default were denied. Parties were given until March 11, 2026, to object, with de novo review by the presiding district judge of properly objected-to portions.

CASES CITED

- Edwards v. City of Goldsboro, 178 F.3d 231, 243-44 (4th Cir. 1999)
- Ashcroft v. Iqbal, 556 U.S. 662, 678, 680-81 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 555, 557, 570 (2007)
- SD3, LLC v. Black & Decker (U.S.) Inc., 801 F.3d 412, 425 (4th Cir. 2015), as amended on reh'g in part (Oct. 29, 2015)
- Houck v. Substitute Tr. Servs., Inc., 791 F.3d 473, 484 (4th Cir. 2015)
- Venkatraman v. REI Sys., Inc., 417 F.3d 418, 420 (4th Cir. 2005)
- Mylan Labs., Inc. v. Matkari, 7 F.3d 1130, 1134 (4th Cir. 1993)
- Lambeth v. Bd. of Comm'rs, 407 F.3d 266, 268 (4th Cir. 2005)
- Kerr v. Marshall Univ. Bd. of Governors, 824 F.3d 62, 72 (4th Cir. 2016)
- White v. White, 886 F.2d 721, 724 (4th Cir. 1989)
- Hodgson v. Virginia Baptist Hosp., Inc., 482 F.2d 821, 824 (4th Cir. 1973)
- Zak v. Chelsea Therapeutics Int'l, Ltd., 780 F.3d 597, 606 (4th Cir. 2015)
- E.I. du Pont de Nemours & Co. v. Kolon Indus., Inc., 637 F.3d 435, 448 (4th Cir. 2011)
- Clatterbuck v. City of Charlottesville, 708 F.3d 549, 557 (4th Cir. 2013)
- Braun v. Maynard, 652 F.3d 557, 559 n.1 (4th Cir. 2011)
- Marks v. Dann, 600 F. App'x 81, 89 (4th Cir. 2015)
- JTH Tax, Inc. v. Williams, 310 F. Supp. 3d 648, 653 (E.D. Va. 2018)
- United States v. Garcia, 855 F.3d 615, 621 (4th Cir. 2017)
- Colonial Penn Ins. Co. v. Coil, 887 F.2d 1236, 1239 (4th Cir. 1989)
- Corbitt v. Balt. City Police Dep't, 675 F. Supp. 3d 578, 587 (D. Md. 2023)
- United States v. Daley, 378 F. Supp. 3d 539, 546 (W.D. Va. 2019)
- Newton v. Florida, 895 F.3d 1270, 1278 (11th Cir. 2018)
- Walker v. SSA, No. 2:21-cv-01352-RFB-BNW, 2021 U.S. Dist. LEXIS 269975, at *3-4 (D. Nev. July 20, 2021)
- Beaudett v. City of Hampton, 775 F.2d 1274, 1277-78 (4th Cir. 1985)
- Shing v. Ctrs. for Medicare & Medicaid Servs., No. 24-cv-3021-ABA, 2025 LX 360584, at *6-7 (D. Md. Aug. 26, 2025)
- Campbell v. StoneMor Partners, LP, Civil Action No. 3:17-CV-407, 2018 U.S. Dist. LEXIS 119494, at *10 (E.D. Va. July 17, 2018)
- Walker v. Prince George's County, 575 F.3d 426, 429 n.* (4th Cir. 2009)
- Dingle v. Baggett, No. 5:19-CV-425-D, 2020 WL 4342212, at *2 (E.D.N.C. July 28, 2020)
- Md. State Firemen's Ass'n v. Chaves, 166 F.R.D. 353, 354 (D. Md. 1996)

- Hinson-Gribble v. United States Off. of Pers. Mgmt., No. 5:16-CV-70-FL, 2018 WL 4016302, at *2-3 (E.D.N.C. Aug. 22, 2018)
- Ayres v. Ocwen Loan Servicing, LLC, 129 F. Supp. 3d 249, 261 (D. Md. 2015)
- Guess v. Daniel Coble As Richland Cnty. Cir. Court, No. 3:24-68-MGL-PJG, 2024 U.S. Dist. LEXIS 152864, at *4 (D.S.C. July 11, 2024)
- Locust v. Stroud, No. 4:17-CV-110-D, 2017 U.S. Dist. LEXIS 193091, at *2 (E.D.N.C. Nov. 21, 2017)
- Reliastar Life Ins. Co. v. Laschkewitsch, No. 5:13-CV-210-BO, 2014 U.S. Dist. LEXIS 51214, at *6 (E.D.N.C. Apr. 13, 2014)
- Kelley v. Enviva, LP, No. 7:13-CV-197-BO, 2014 U.S. Dist. LEXIS 44600, at *3-4 (E.D.N.C. Mar. 31, 2014)
- Mixon v. Page, No. 3:23-CV-00180-FDW-SCR, 2023 U.S. Dist. LEXIS 111783, at *5 (W.D.N.C. June 27, 2023)
- Ospina Baraya v. Ospina Baraya, No. 3:21-CV-00640-FDW-DSC, 2022 U.S. Dist. LEXIS 138507, 2022 WL 3129590 (W.D.N.C. Aug. 4, 2022)
- Scott v. D.C., 598 F. Supp. 2d 30, 36 (D.D.C. 2009)
- Wright v. Collins, 766 F.2d 841, 846-47 (4th Cir. 1985)