

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Isaac Opiyo v. Veridian Credit Union, TransUnion LLC, Experian Information Solutions, Inc., and Equifax Information Services, LLC

Opiyo · No. 8:25-cv-00470 · Decided December 5, 2025

SUMMARY

The United States District Court for the District of Nebraska addresses pending motions to dismiss claims brought by Isaac Opiyo against Veridian Credit Union, Trans Union LLC, Experian Information Solutions, Inc., and Equifax Information Services LLC. The court discusses Article III standing, consideration of materials outside the pleadings, and potential conversion of Rule 12(b)(6) motions into motions for summary judgment. The parties were ordered to present pertinent material by January 5, 2026, with responses due January 20, 2026.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Robert F. Rossiter, Jr.
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 5, 2025
DOCKET	8:25-cv-00470
DISPOSITION	other
PROCEDURAL POSTURE	The court considered a joint motion to dismiss under Federal Rules of Civil Procedure 12(b)(1), 12(b)(6), and 12(c), and a separate Rule 12(b)(6) motion filed by Experian. The defendants relied on materials outside the pleadings, and the court issued a memorandum and order advising that consideration of such materials could require conversion of the Rule 12(b)(6) motions into motions for summary judgment.
STANDARD OF REVIEW	The opinion discusses the standards applicable to facial and factual attacks on subject-matter jurisdiction, Rule 12(b)(6) dismissal, and conversion of a Rule 12(b)(6) motion to summary judgment under Rule 12(d), but does not apply a final merits standard of review.
PRECEDENTIAL VALUE	unpublished district court memorandum and order; limited persuasive value

TOPICS

motions to dismiss

subject matter jurisdiction

summary judgment

pleadings

civil procedure

PRACTICE AREAS

civil procedure

consumer protection

fair debt collection

credit reporting

QUESTIONS PRESENTED

1. Whether the court could determine the pending motions to dismiss on the pleadings without first resolving whether the parties' outside materials were embraced by the pleadings.
2. Whether consideration of outside materials in resolving the Rule 12(b)(6) motions would require conversion of those motions into motions for summary judgment under Federal Rule of Civil Procedure 12(d).
3. What submissions and response deadlines should govern if the court considered matters outside the pleadings.

HOLDINGS

1. Because it was not yet clear whether the parties' additional materials were embraced by the pleadings or would be necessary to resolve the motions, the court declined to make an immediate determination based on those materials and notified the parties that it might treat the Rule 12(b)(6) motions as motions for summary judgment if it considered matters outside the pleadings.

KEY QUOTATIONS

“Out of an abundance of caution, the Court hereby advises the parties that it may rely on “matters outside the pleadings” in resolving the defendants’ pending Rule 12(b)(6) motions, which in turn would require the Court to treat any such motion “as one for summary judgment.””

“Accordingly, the parties shall “present all the material that is pertinent to” such a motion on or before January 5, 2026.”

FACTUAL BACKGROUND

Opiyo, proceeding pro se, asserted claims against four credit-reporting or credit-related defendants, including a wrongful-repossession claim under Nebraska law. The joint defendants submitted an affidavit and exhibits asserting compliance with Nebraska law and contending that Opiyo suffered no injury and therefore lacked Article III standing. Opiyo disputed the authenticity and adequacy of the defendants' materials and submitted exhibits of his own.

PROCEDURAL HISTORY

Plaintiff Isaac Opiyo brought claims against Veridian Credit Union, TransUnion LLC, Experian Information Solutions, Inc., and Equifax Information Services, LLC, including a wrongful-repossession claim under Nebraska law. The defendants moved to dismiss, with some defendants relying on an affidavit and exhibits concerning compliance with Nebraska law and standing. Rather than decide immediately whether the materials

were embraced by the pleadings or would be considered, the court directed the parties to submit all pertinent materials and responses by specified dates.

DISPOSITION

other

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007) (per curiam)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Miller v. Redwood Toxicology Lab., Inc., 688 F.3d 928, 931 n.3 (8th Cir. 2012)
- Angel v. Williams, 12 F.3d 786, 789 (8th Cir. 1993)
- Frost v. Sioux City, Iowa, 920 F.3d 1158, 1162 (8th Cir. 2019)
- Jessie v. Potter, 516 F.3d 709, 712 (8th Cir. 2008)
- Osborn v. United States, 918 F.2d 724, 730 (8th Cir. 1990)
- Zean v. Fairview Health Servs., 858 F.3d 520, 526 (8th Cir. 2017)
- BJC Health Sys. v. Columbia Cas. Co., 348 F.3d 685, 688 (8th Cir. 2003)
- Skyberg v. United Food & Com. Workers Int'l Union, 5 F.3d 297, 302 n.2 (8th Cir. 1993)
- Herden v. United States, 726 F.3d 1042, 1046 (8th Cir. 2013)
- Shain v. Veneman, 376 F.3d 815, 817-18 (8th Cir. 2004)
- Moss v. United States, 895 F.3d 1091, 1097 (8th Cir. 2018)
- Frazier v. Vilsack, 419 F. App'x 686, 689 (8th Cir. 2011) (unpublished per curiam)