UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Hugo Cesar Gervacio v. LVNV Funding LLC

Gervacio · No. No. 23 CV 231 · Decided March 16, 2026

SUMMARY

The United States District Court for the Northern District of Illinois granted LVNV Funding LLC’s motion for summary judgment in Hugo Cesar Gervacio’s Fair Credit Reporting Act action. The court held that Gervacio failed to show that LVNV reported information that was inaccurate or materially misleading, including the account-opening date and date of first delinquency. Because no reasonable jury could find actionable inaccuracy or incompleteness, the court did not address the reasonableness of LVNV’s investigation or damages.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Jeffrey I. Cummings
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 16, 2026
DOCKET	No. 23 CV 231
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment on the plaintiff's Fair Credit Reporting Act claim.
STANDARD OF REVIEW	Summary judgment is appropriate when there is no genuine dispute as to any material fact and the moving party is entitled to judgment as a matter of law. The court views facts and reasonable inferences in the light most favorable to the nonmoving party, but the nonmovant must identify evidence sufficient for a reasonable jury to find in its favor.
PRECEDENTIAL VALUE	unpublished district court opinion
PARTIES	LVNV Funding LLC v. Hugo Cesar Gervacio

TOPICS

credit reporting · summary judgment · consumer protection · civil procedure

PRACTICE AREAS

consumer protection · fair credit reporting · civil procedure

QUESTIONS PRESENTED

1. Whether Gervacio made the threshold showing required for an FCRA § 1681s-2(b) claim by presenting evidence that LVNV reported inaccurate or incomplete information.
2. Whether the reported July 16, 2021 account-opening date was inaccurate or materially misleading when it reflected the date LVNV acquired or opened its collection account rather than the date Credit One originally issued the credit card.
3. Whether the reported October 4, 2020 date of first delinquency was actionable when Gervacio contended that delinquency began five days earlier.
4. Whether summary judgment was proper on the FCRA claim.

HOLDINGS

1. A plaintiff pursuing a claim under 15 U.S.C. § 1681s-2(b) must first show that the furnisher provided information that was inaccurate or incomplete. Information is actionable when it is patently incorrect or materially misleading in a manner that could be expected to adversely affect credit decisions; mere imprecision is insufficient.
2. Reporting July 16, 2021 as the account-opening date was not inaccurate or materially misleading where that date represented the date LVNV acquired or opened its collection account, the report identified Credit One as the original creditor, and the report separately identified the October 2020 first-delinquency date.
3. Any error in reporting October 4, 2020 rather than September 29, 2020 as the first-delinquency date was not materially misleading or actionable under the FCRA.

KEY QUOTATIONS

> *"The federal circuit courts that have interpreted §1681s-2(b) agree that a "plaintiff must make a prima facie showing that the data furnisher provided incomplete or inaccurate information" to succeed on a claim under this provision of the FCRA."* (at 7)

> *"Information must be materially misleading, and not just misleading, to be actionable."* (at 7)

> *"At worst, LVNV's error was an imprecision that actually benefited Gervacio by indicating that he became delinquent on his account on a later date than he actually did."* (at 10)

FACTUAL BACKGROUND

Gervacio opened a Credit One Bank credit-card account in February 2019 and later failed to make a payment due during the September 2020 billing cycle. LVNV acquired the account on July 16, 2021, and reported it to the major credit-reporting agencies as a collection account, identifying LVNV's account-opening date as July 16, 2021 and the first-delinquency date as October 4, 2020. Gervacio disputed the account-opening and delinquency dates, contending that the original account opened in February 2019 and that delinquency began after the September 28, 2020 payment due date. The court concluded that the reports, read in context, were not inaccurate or materially misleading under the FCRA.

PROCEDURAL HISTORY

Gervacio sued LVNV Funding LLC under 15 U.S.C. § 1681s-2(b)(1)(A), alleging that LVNV failed to conduct a reasonable investigation after receiving disputes concerning information reported about his credit-card account. LVNV moved for summary judgment. The court granted the motion because Gervacio failed to present evidence from which a reasonable jury could find that the reported information was inaccurate or incomplete within the meaning of the FCRA.

DISPOSITION

other

CASES CITED

- Anderson v. Liberty Lobby, Inc., 477 U.S. 242, 247-48 (1986)
- Wayland v. OSF Healthcare Sys., 94 F.4th 654, 657 (7th Cir. 2024)
- FKFJ, Inc. v. Village of Worth, 11 F.4th 574, 584 (7th Cir. 2021)
- Balderston v. Fairbanks Morse Engine Div. of Coltec Indus., 328 F.3d 309, 320 (7th Cir. 2003)
- Goodman v. Nat. Sec. Agency, Inc., 621 F.3d 651, 654 (7th Cir. 2010)
- Lewis v. CITGO Petroleum Corp., 561 F.3d 698, 704 (7th Cir. 2009)
- Harney v. Speedway SuperAmerica, LLC, 526 F.3d 1099, 1104 (7th Cir. 2008)
- King v. Hendricks Cnty. Comm'rs, 954 F.3d 981, 984 (7th Cir. 2020)
- Hoppe v. Lewis Univ., 692 F.3d 833, 838 (7th Cir. 2012)
- Abu-Eid v. Discover Prods., Inc., 589 F. Supp. 3d 555, 560 (E.D. Va. 2022)
- Sara Lee Corp. v. Kraft Foods Inc., 276 F.R.D. 500, 503 (N.D. Ill. 2011)
- Frazier v. Equifax Info. Servs., LLC, 112 F.4th 451, 455 (7th Cir. 2024)
- Safeco Ins. Co. v. Burr, 551 U.S. 47, 52 (2007)
- Persinger v. Sw. Credit Sys., L.P., 20 F.4th 1184, 1194 (7th Cir. 2021)
- Frazier v. Dovenmuehle Mortg., Inc., 72 F.4th 769, 775-77 (7th Cir. 2023)
- Felts v. Wells Fargo Bank, N.A., 893 F.3d 1305, 1313 (11th Cir. 2018)
- Krausz v. Equifax Info. Servs., LLC, No. 21-CV-7427(KMK), 2023 WL 1993886, at *11 (S.D.N.Y. Feb. 14, 2023)
- Goldenberg v. TransUnion, LLC, No. 23-CV-9514 (NGG) (LKE), 2025 WL 2200486, at *3 (E.D.N.Y. Aug. 1, 2025)
- Gorman v. Wolpoff & Abramson, LLP, 584 F.3d 1147, 1163 (9th Cir. 2009)

- Chaitoff v. Experian Info. Sols., Inc., 79 F.4th 800, 813 (7th Cir. 2023)
- Samoura v. Trans Union LLC, No. CIV-20-5178, 2021 WL 915723, at *8 (E.D. Pa. Mar. 10, 2021), aff'd sub nom. Bibbs v. Trans Union LLC, 43 F.4th 331 (3d Cir. 2022)
- Boyer v. TransUnion, LLC, No. 3:21-CV-00918 (KAD), 2023 WL 1434005, at *3 (D. Conn. Feb. 1, 2023)
- Complot v. US Bank NA, No. CV-25-00255-PHX-SMB, 2025 WL 2770857, at *5-6 (D. Ariz. Sept. 26, 2025)
- Olivas v. Golder I Cu, No. 2:22-CV-01243-DJC-CKD, 2024 WL 4545892, at *2 (E.D. Cal. Oct. 22, 2024)
- Westra v. Credit Control of Pinellas, 409 F.3d 825, 827 (7th Cir. 2005)
- Crabill v. Trans Union, L.L.C., 259 F.3d 662, 664 (7th Cir. 2001)
- Saunders v. Branch Banking & Trust Co. of Va., 526 F.3d 142, 149 (4th Cir. 2008)
- Murray v. Sunrise Chevrolet, Inc., 441 F. Supp. 2d 940, 949 (N.D. Ill. 2006)
- Phipps v. Experian, No. 20-CV-3368 (LLS), 2020 WL 3268488, at *3 (S.D.N.Y. June 15, 2020)
- Ayala v. Experian Info. Sols., No. 22-CV-4935, 2024 WL 1328827, at *1 (N.D. Ill. Mar. 28, 2024)
- Toliver v. Experian Info. Sols., Inc., 973 F. Supp. 2d 707, 721 (S.D. Tex. 2013)
- Shaw v. Experian Information Sols., Inc., 891 F.3d 749, 759 (9th Cir. 2018)
