UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF WISCONSIN

Bryan Hartwig v. Byrider Finance, LLC, d/b/a Car Now Acceptance Company

No. 23-cv-8-wmc (W.D. Wis. Dec. 23, 2025) · No. 23-cv-8-wmc · Decided December 23, 2025

SUMMARY

The United States District Court for the Western District of Wisconsin denied Bryan Hartwig's motion for relief from judgment under Federal Rule of Civil Procedure 59(e) in his Fair Credit Reporting Act action against Byrider Finance, LLC. The court held that Hartwig had not shown a manifest error of law or fact, newly discovered evidence, or concrete and particularized injury sufficient to establish Article III standing. The court also denied the defendant's motion to strike supplemental authority, leaving the action dismissed without prejudice.

CASE DETAILS

COURT	United States District Court for the Western District of Wisconsin
WRITING FOR THE COURT	William M. Conley
JURISDICTION	United States District Court for the Western District of Wisconsin
DECIDED	December 23, 2025
DOCKET	23-cv-8-wmc
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved for relief from a prior final judgment under Federal Rule of Civil Procedure 60 after the court dismissed his Fair Credit Reporting Act claim without prejudice for lack of Article III standing. The court treated the motion as one under Rule 59(e) because it sought substantive alteration of the judgment and was filed within the applicable 28-day period. Defendant separately moved to strike plaintiff's supplemental authority.
STANDARD OF REVIEW	A substantive motion filed within 28 days of judgment is treated under Federal Rule of Civil Procedure 59(e). Relief requires a manifest error of law or fact or newly discovered evidence.
PRECEDENTIAL VALUE	Unpublished federal district court opinion

PARTIES	Bryan Hartwig v. Byrider Finance, LLC, d/b/a Car Now Acceptance Company

TOPICS

standing | subject matter jurisdiction | summary judgment | consumer protection

PRACTICE AREAS

Federal civil procedure | Article III standing | Fair Credit Reporting Act | Consumer protection | Bankruptcy-related credit reporting

QUESTIONS PRESENTED

1. Whether plaintiff's Rule 60 motion should be treated as a Rule 59(e) motion because it sought substantive alteration of the judgment and was filed within 28 days.
2. Whether plaintiff established a manifest error of law or fact or newly discovered evidence warranting relief under Rule 59(e).
3. Whether plaintiff demonstrated a concrete and particularized injury sufficient for Article III standing based on allegedly inaccurate post-bankruptcy credit reporting.
4. Whether defendant's motion to strike plaintiff's supplemental authority should be granted.

HOLDINGS

1. A substantive motion seeking alteration of a judgment and filed within 28 days of entry must be treated under Federal Rule of Civil Procedure 59(e), notwithstanding the movant's designation of the motion as one under Rule 60.
2. Relief under Rule 59(e) requires the movant to clearly establish a manifest error of law or fact or to present newly discovered evidence; merely forgetting to submit existing evidence does not satisfy that standard.
3. A plaintiff alleging inaccurate credit reporting must provide evidence of a concrete and particularized injury; proof that information was incomplete or inaccurate, without evidence of concrete reputational, credit, or other harm, is insufficient for Article III standing.
4. Defendant's motion to strike plaintiff's notice of supplemental authority is denied.

KEY QUOTATIONS

> *"all substantive motions served within [28] days of the entry of a judgment will be treated as based on Rule 59."* (at 1)

> *"simply "forgetting" to submit existing evidence is not new evidence at all, nor does it in any way constitute "an error of law or fact" by the court."* (at 2)

> *"Article III standing requires a concrete injury even in the context of a statutory violation"* (at 2)

> *"plaintiff has again failed to offer evidence of a concrete and particularized injury analogous to defamation or any other concrete harm."* (at 4)

FACTUAL BACKGROUND

Bryan Hartwig alleged that Byrider Finance reported incomplete or inaccurate information about a car loan to credit-reporting agencies after the debt had been discharged in bankruptcy. The court previously found that the reporting was incomplete or inaccurate but concluded that Hartwig had not shown concrete harm sufficient for Article III standing. In seeking post-judgment relief, Hartwig relied on evidence he had inadvertently failed to submit earlier, but he provided no evidence that a third party understood the defamatory significance of the reporting or that the reporting negatively affected his creditworthiness.

PROCEDURAL HISTORY

After reviewing cross-motions for summary judgment, the court dismissed the action without prejudice for lack of subject matter jurisdiction based on plaintiff's failure to establish injury in fact and dismissed the summary-judgment motions as moot. Plaintiff then moved for relief from judgment and attempted to submit evidence that he had previously failed to provide. The court denied plaintiff's motion and defendant's motion to strike.

DISPOSITION

dismissed

CASES CITED

- Charles v. Daley, 799 F.2d 343, 347 (7th Cir. 1986)
- United States v. Gargano, 826 F.2d 610, 611 (7th Cir. 1987)
- FDIC v. Meyer, 781 F.2d 1260, 1268 (7th Cir. 1986)
- Spokeo, Inc. v. Robins, 578 U.S. 330, 338, 341 (2016)
- TransUnion LLC v. Ramirez, 594 U.S. 413, 431 (2021)
- Foster v. PNC Bank, Nat'l Ass'n, 52 F.4th 315, 322 (7th Cir. 2022)
- Ewing v. MED-1 Solutions, LLC, 24 F.4th 1146, 1154 (7th Cir. 2022)
- Freeman v. Ocwen Loan Servicing, LLC, 113 F.4th 701, 709-10 (7th Cir. 2024)
- Wood v. Sec. Credit Servs., LLC, 126 F.4th 1303 (7th Cir. 2025)
- Snowden v. Transunion, LLC, No. 25-C-214, 2025 WL 2840249 (E.D. Wis. Oct. 7, 2025)

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