UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

Russell Perry II v. Cox Communications, LexisNexis Risk Solutions, and Experian Credit Bureau

Perry · No. 8:23-cv-00121 · Decided December 3, 2025

SUMMARY

The United States District Court for the District of Nebraska denied Russell Perry II's motion for leave to file a second amended complaint adding Equifax Information Services LLC, RealPage Inc. d/b/a LeasingDesk Screening, and Credence Global Solutions LLC as defendants. The court held that Perry failed to show good cause to modify the scheduling order because the proposed parties' involvement was known or discoverable before the deadline to add parties had expired. The court also noted that the proposed reference to 15 U.S.C. § 1681s-2(b) appeared largely duplicative of existing claims, but did not decide futility.

CASE DETAILS

COURT	United States District Court for the District of Nebraska
WRITING FOR THE COURT	Ryan C. Carson
JURISDICTION	United States District Court for the District of Nebraska
DECIDED	December 3, 2025
DOCKET	8:23-cv-00121
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved for leave to file a second amended complaint after the court-ordered deadline for amending pleadings and adding parties had expired. He sought to add Equifax Information Services LLC, RealPage Inc. d/b/a LeasingDesk Screening, and Credence Global Solutions LLC as defendants.
STANDARD OF REVIEW	A motion to amend filed after the scheduling-order deadline is first evaluated under Federal Rule of Civil Procedure 16(b) for good cause, with diligence as the primary measure. Only if good cause is shown does the court consider whether amendment is permissible under Rule 15(a)(2). The decision whether to grant leave to amend is within the district court's discretion.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES	Russell Perry II v. Cox Communications, LexisNexis Risk Solutions, Experian Credit Bureau

TOPICS

motion to amend · civil procedure · consumer protection

PRACTICE AREAS

civil procedure · consumer protection · Fair Credit Reporting Act

QUESTIONS PRESENTED

1. Whether Perry established good cause under Federal Rule of Civil Procedure 16(b) to modify the progression order and seek leave to add Equifax, LeasingDesk, and Credence as defendants after the amendment deadline.
2. Whether leave to amend should be denied under Federal Rule of Civil Procedure 15(a)(2) because the proposed amendment would be futile or otherwise improper.

HOLDINGS

1. The motion for leave to amend was denied because Perry failed to show good cause under Rule 16(b) for modifying the progression order.

KEY QUOTATIONS

> *"Only after the movant has shown good cause to modify the scheduling order under Rule 16(b) may the court consider whether the amendment is permitted under Rule 15(a)."* (at 3)

> *"Because Plaintiff has not pointed to any newly discovered fact that would warrant the proposed amendment, he has failed to demonstrate good cause to amend."* (at 4)

FACTUAL BACKGROUND

Perry's amended complaint, filed in July 2023, described interactions with LeasingDesk and Credence and alleged that LeasingDesk reports contained false information and that Credence was involved in the debt-collection activities at issue. The court found that Perry's own documents indicated he knew of his interactions with LeasingDesk as early as August 2022 and with Credence as early as 2015. Perry provided no evidence showing that Equifax's identity or involvement was newly discovered, and the deadline for adding parties had passed while written discovery was closed.

PROCEDURAL HISTORY

Perry filed separate actions alleging Fair Credit Reporting Act and state-law claims against Cox, LexisNexis Risk Solutions, Experian Credit Bureau, and Russell Brown. The action against Brown was dismissed for lack of subject matter jurisdiction, and the remaining actions were consolidated. After resolving motions to dismiss, the court entered a progression order setting September 15, 2025, as the deadline to amend pleadings or add parties.

Perry later moved to add three defendants, asserting that October 2025 discovery established their involvement; the court denied the motion.

DISPOSITION

other

CASES CITED

- Popoalii v. Corr. Med. Servs., 512 F.3d 488, 497 (8th Cir. 2008)
- Sherman v. Winco Fireworks, Inc., 532 F.3d 709, 716-17 (8th Cir. 2008)
- Ellingsworth v. Vermeer Mfg. Co., 949 F.3d 1097, 1100 (8th Cir. 2020)
- Hartis v. Chi. Title Ins. Co., 694 F.3d 935, 948 (8th Cir. 2012)
- Rahn v. Hawkins, 464 F.3d 813, 822 (8th Cir. 2006)
- Wintermute v. Kansas Bankers Sur. Co., 630 F.3d 1063, 1067 (8th Cir. 2011)
- Sheng Int'l Co. v. Prince Americas, LLC, No. 8:20-CV-124, 2021 WL 4943686, at *8 (D. Neb. Oct. 22, 2021)
- Doe v. Cassel, 403 F.3d 986, 990-91 (8th Cir. 2005)
- Stricker v. Union Planters Bank, N.A., 436 F.3d 875, 878 (8th Cir. 2006)
- Gamma-10 Plastics, Inc. v. American President Lines, Ltd., 32 F.3d 1244, 1255 (8th Cir. 1994)
- Marmo v. Tyson Fresh Meats, Inc., 457 F.3d 748, 759 (8th Cir. 2006)
- Soliman v. Johanns, 412 F.3d 920, 922 (8th Cir. 2005)
- Burgs v. Sissel, 745 F.2d 526, 528 (8th Cir. 1984)