UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF MISSOURI, CENTRAL DIVISION

Maria Thomas v. Williams & Fudge, Inc.

Case No. 2:25-cv-04292-MDH (W.D. Mo. Apr. 21, 2026) · No. 2:25-cv-04292-MDH · Decided April 21, 2026

SUMMARY

The United States District Court for the Western District of Missouri grants Williams & Fudge, Inc.'s motion to dismiss Maria Thomas's Fair Debt Collection Practices Act claim. The court holds that the alleged threat to withhold Thomas's college transcripts was not shown to be false, deceptive, or misleading because the complaint did not establish compliance with the conditions of 34 C.F.R. § 668.14(b)(34). The court denies Thomas's motion to strike, grants leave to file a sur-reply, and finds her motion to compel a scheduling conference moot.

CASE DETAILS

COURT	United States District Court for the Western District of Missouri, Central Division
WRITING FOR THE COURT	Douglas Harpool
JURISDICTION	United States District Court for the Western District of Missouri, Central Division
DECIDED	April 21, 2026
DOCKET	2:25-cv-04292-MDH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss Plaintiff's Fair Debt Collection Practices Act claim under Federal Rule of Civil Procedure 12(b)(6). Plaintiff moved to strike new evidence and arguments in Defendant's reply, alternatively sought leave to file a sur-reply, and moved to compel a scheduling conference.
STANDARD OF REVIEW	On a motion to dismiss, the complaint must contain factual allegations sufficient to state a plausible claim for relief. The court accepts well-pleaded factual allegations as true and draws reasonable inferences in favor of the nonmoving party, but does not accept legal conclusions or threadbare recitals of the elements.
PRECEDENTIAL VALUE	unpublished district court order; precedential status unknown

TOPICS

fair debt collection · motions to dismiss · consumer protection · pleadings · civil procedure

PRACTICE AREAS

consumer protection · fair debt collection · civil procedure

QUESTIONS PRESENTED

1. Whether portions of Defendant's reply presented a new legal theory or impermissible extrinsic evidence warranting a motion to strike.
2. Whether Plaintiff should be permitted to file a sur-reply to address the arguments and evidence in Defendant's reply.
3. Whether the complaint plausibly alleged that Defendant used a false, deceptive, or misleading representation or threatened action that could not legally be taken in violation of the FDCPA.
4. Whether Plaintiff's motion to compel a scheduling conference became moot after dismissal.

HOLDINGS

1. The reply did not present a new legal theory because its argument concerning the contractual and regulatory effect of the Program Participation Agreement related back to and supplemented arguments made in Defendant's motion to dismiss and opening brief.
2. The website link and date included in Defendant's reply did not constitute new evidence requiring striking because the referenced Program Participation Agreement was a public record necessarily embraced by the complaint and could be judicially noticed on a motion to dismiss.
3. The complaint failed to state a plausible FDCPA claim because, accepting the allegations as true, Plaintiff did not establish that 34 C.F.R. § 668.14(b)(34) protected her transcript from withholding, and the alleged statement that the transcript would be withheld upon nonpayment was not shown to be false, deceptive, or misleading.

KEY QUOTATIONS

> *"A complaint must contain factual allegations that, when accepted as true, are sufficient to state a claim of relief that is plausible on its face."*

> *"The Court cannot say this statement by Defendant, as alleged in Plaintiff's Complaint, was false, deceptive, or misleading as Benedictine College had a right to withhold Plaintiff's transcript pursuant to payment or an agreement to pay."*

FACTUAL BACKGROUND

Thomas attended Benedictine College in fall 2023 using personal funds and federal financial aid, then enrolled in the winter 2024 semester and withdrew after several weeks. She alleged that Williams & Fudge attempted to collect a debt for the first weeks of the winter semester and told her that Benedictine would withhold her college transcripts if she did not pay. Thomas contended that federal regulations effective July 1, 2024 prohibited withholding transcripts for credits paid with federal financial aid and that the collection statement therefore violated the FDCPA.

PROCEDURAL HISTORY

Maria Thomas filed a one-count FDCPA complaint against Williams & Fudge, Inc. Defendant moved to dismiss for failure to state a claim. Plaintiff moved to strike portions of Defendant's reply or obtain leave to file a sur-reply, and separately moved to compel a scheduling conference. The court denied the motion to strike, granted leave to file a sur-reply, granted the motion to dismiss, and found the scheduling-conference motion moot.

DISPOSITION

dismissed

CASES CITED

- Zutz v. Nelson, 601 F.3d 842, 848 (8th Cir. 2010)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Coons v. Mineta, 410 F.3d 1036, 1039 (8th Cir. 2005)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 545 (2007)
- Gatewood v. City of O'Fallon, Missouri, 70 F.4th 1076, 1080 (8th Cir. 2023)
- Carpenter's Pension Fund of Ill. v. Neidorff, 30 F.4th 777, 787 (8th Cir. 2022)
- United States v. Head, 340 F.3d 628, 630 n.4 (8th Cir. 2003)
- Ashanti v. City of Golden Valley, 666 F.3d 1148, 1151 (8th Cir. 2012)
- Enervations, Inc. v. Minn. Mining & Mfg. Co., 380 F.3d 1066, 1069 (8th Cir. 2004)
- Zean v. Fairview Health Servs., 858 F.3d 520, 526 (8th Cir. 2017)
- Stahl v. U.S. Dep't of Agric., 327 F.3d 697, 700 (8th Cir. 2003)
- Moon v. Portfolio Recovery Assocs., LLC, No. 4:23CV1195 JMB, 2024 WL 473770, at *3 (E.D. Mo. Feb. 7, 2024)
- Klein v. Stewart Zlimen & Jungers, Ltd., No. CV 18-658, 2019 WL 79317, at *3 (D. Minn. Jan. 2, 2019)