

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NEW YORK

Andrea L. Marion v. Transitowne Jeep Chrysler Dodge Ram
Williamsville

Marion · No. 23-CV-294-LJV · Decided March 30, 2026

SUMMARY

The United States District Court for the Western District of New York granted Transitowne Jeep Chrysler Dodge Ram Williamsville's motion to dismiss Andrea L. Marion's amended complaint. The court held that Marion's Truth in Lending Act claim was time-barred, lacked diversity jurisdiction over her state-law claims, and declined to exercise supplemental jurisdiction over those claims. The court directed the Clerk to enter judgment and close the case.

CASE DETAILS

COURT	United States District Court for the Western District of New York
WRITING FOR THE COURT	Lawrence J. Vilaro
JURISDICTION	United States District Court for the Western District of New York
DECIDED	March 30, 2026
DOCKET	23-CV-294-LJV
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved under Rule 12(b)(6) to dismiss the amended complaint. The court granted dismissal of the federal Truth in Lending Act claim as time-barred, determined that the state-law claims did not satisfy diversity jurisdiction, declined supplemental jurisdiction, entered judgment, and closed the case.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true and determines whether the complaint states a claim for relief that is plausible on its face. A statute-of-limitations defense may be resolved on a motion to dismiss when the defense appears on the face of the complaint. For diversity jurisdiction, the plaintiff bears the burden of showing a reasonable probability that the amount in controversy exceeds \$75,000; a face-of-the-complaint determination that the jurisdictional amount cannot be recovered to a legal certainty requires dismissal.

PRECEDENTIAL VALUE

Unknown; district court decision with no reporter citation and no precedential designation in the source.

TOPICS

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether Marion's TILA damages claim was barred by TILA's one-year statute of limitations and whether equitable tolling or a discovery rule applied.
2. Whether Marion established the amount-in-controversy requirement for diversity jurisdiction over her state-law claims, including through her demand for punitive damages.
3. Whether the court should exercise supplemental jurisdiction over the state-law claims after dismissing the federal claim and finding no diversity jurisdiction.

HOLDINGS

1. Marion's TILA damages claim was time-barred because the limitations period ran from the occurrence of the alleged nondisclosure, not from the date Marion discovered it, and the amended complaint did not plead facts supporting equitable tolling.
2. Marion did not establish the required amount in controversy for diversity jurisdiction because punitive damages were unavailable on her claims, leaving at most approximately \$37,000 in alleged damages.
3. The court declined to exercise supplemental jurisdiction over the state-law claims after dismissing the only federal claim and finding no diversity jurisdiction.

KEY QUOTATIONS

"Therefore, Marion's TILA claim is time-barred, and the Court grants the motion to dismiss that claim."

(Discussion § I)

"The Court finds that it lacks diversity jurisdiction over Marion's state law claims and declines to exercise supplemental jurisdiction over those claims." (Conclusion)

FACTUAL BACKGROUND

Marion alleged that Transitowne violated TILA by failing to provide required disclosures in connection with an automobile retail installment contract, breached a fiduciary duty, violated New York General Business Law § 349, and committed common-law fraud. She alleged that she discovered errors in her credit report in late 2022 and sought to toll the TILA limitations period until that discovery. She also alleged that Transitowne submitted a different version of the contract to Five Star Bank and sought actual damages, statutory damages, restitution, and punitive damages.

PROCEDURAL HISTORY

Andrea L. Marion filed the action pro se on March 31, 2023, initially naming Five Star Bank and Transitowne. Marion later dismissed Five Star Bank. The court granted Transitowne's first motion to dismiss but permitted Marion to amend; after Marion filed an amended complaint, Transitowne again moved to dismiss. The court granted the renewed motion, dismissed the TILA claim, found no diversity jurisdiction over the state-law claims, declined supplemental jurisdiction, directed the Clerk to enter judgment and close the case, and denied leave to appeal in forma pauperis.

DISPOSITION

dismissed

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556, 570 (2007)
- Conn. Gen. Life Ins. Co. v. BioHealth Labs., Inc., 988 F.3d 127, 131-32 (2d Cir. 2021)
- Thea v. Kleinhandler, 807 F.3d 492, 501 (2d Cir. 2015)
- Smith v. Mills, 2021 WL 4133867, at *4 (E.D.N.Y. Sep. 10, 2021)
- Cardiello v. Money Store, Inc., 2001 WL 604007, at *4-5 (S.D.N.Y. June 1, 2001), aff'd sub nom. Cardiello v. Money Store, 29 F. App'x 780 (2d Cir. 2002)
- Hughes v. Cardinal Fed. Sav. & Loan Ass'n, 566 F. Supp. 834, 838 (S.D. Ohio 1983)
- Lukenas v. Bryce's Mountain Resort, Inc., 538 F.2d 594, 597 (4th Cir. 1976)
- Roth v. Jennings, 489 F.3d 499, 511 (2d Cir. 2007)
- Matusovsky v. Merrill Lynch, 186 F. Supp. 2d 397, 400 (S.D.N.Y. 2002)
- Royal Canin U.S.A., Inc. v. Wullschleger, 604 U.S. 22, 26-27 (2025)
- Estate of Gallo v. Bob Evans Restaurant, 2019 WL 350163, at *1 (W.D.N.Y. Jan. 29, 2019)
- Exxon Mobil Corp. v. Allapattah Servs., Inc., 545 U.S. 546, 552 (2005)
- Scherer v. Equitable Life Assurance Soc'y of the U.S., 347 F.3d 394, 397 (2d Cir. 2003)
- Tongkook Am., Inc. v. Shipton Sportswear Co., 14 F.3d 781, 784 (2d Cir. 1994)
- Trisvan v. Burger King Corp., 2020 WL 13851936, at *3 n.4 (E.D.N.Y. Mar. 2, 2020)
- Hall v. EarthLink Network, Inc., 396 F.3d 500, 507 n.5 (2d Cir. 2005)
- Valente v. Garrison From Harrison LLC, 2016 WL 126375, at *2 (E.D.N.Y. Jan. 11, 2016)
- Centra Devs. Ltd. v. Jewish Press Inc., 2018 WL 1788148, at *6 (E.D.N.Y. Feb. 20, 2018)
- Carling v. Peters, 2013 WL 865842, at *6-7, *9 (S.D.N.Y. Mar. 8, 2013)
- Leviton Mfg. Co. v. Reeve, 942 F. Supp. 2d 244, 270 (E.D.N.Y. 2013)
- Mayline Enters., Inc. v. Milea Truck Sales Corp., 641 F. Supp. 2d 304, 311 (S.D.N.Y. 2009)
- Wrap-N-Pack, Inc. v. Kaye, 528 F. Supp. 2d 119, 124 (E.D.N.Y. 2007)
- Agnesini v. Doctor's Assocs., Inc., 2012 WL 5873605, at *7 (S.D.N.Y. Nov. 13, 2012)

- Peabody v. Northgate Ford, Inc., 16 A.D.3d 879, 880-81, 794 N.Y.S.2d 452, 454 (3d Dep't 2005)
- Hobish v. AXA Equitable Life Ins. Co., 43 N.Y.3d 442, 455-56, 264 N.E.3d 223, 232-33 (2025)
- Guzman v. Mel S. Harris & Assocs., LLC, 2018 WL 1665252, at *14 (S.D.N.Y. Mar. 22, 2018)
- Bueno v. LR Credit 18, LLC, 269 F. Supp. 3d 16, 23 (E.D.N.Y. 2017)
- Nowak v. Ironworkers Local 6 Pension Fund, 81 F.3d 1182, 1191-92 (2d Cir. 1996)
- Kolari v. N.Y.-Presbyterian Hosp., 455 F.3d 118, 122 (2d Cir. 2006)
- Carnegie-Mellon Univ. v. Cohill, 484 U.S. 343, 350 n.7 (1988)
- United Mine Workers v. Gibbs, 383 U.S. 715, 726 (1966)
- Coppedge v. United States, 369 U.S. 438 (1962)

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