UNITED STATES DISTRICT COURT FOR THE DISTRICT OF HAWAIʻI

The Estate Trust Known as Carolyn Zemeckis v. Sloan Servicing

Zemeckis · No. Civil No. 25-00375 MWJS-RT · Decided December 10, 2025

SUMMARY

The United States District Court for the District of Hawaiʻi grants Sloan Servicing's motion to dismiss a pro se complaint concerning alleged student-loan discharge and statutory notices under the FDCPA, TILA, and RESPA. The court concludes that the complaint fails to satisfy Federal Rule of Civil Procedure 8 because it does not provide sufficient factual allegations or fair notice of the alleged violations. The court defers ruling on leave to amend and requires the plaintiff to submit a letter by January 10, 2026, explaining how the deficiencies could be cured.

CASE DETAILS

COURT	United States District Court for the District of Hawaiʻi
WRITING FOR THE COURT	Micah W. J. Smith
JURISDICTION	United States District Court for the District of Hawaiʻi
DECIDED	December 10, 2025
DOCKET	Civil No. 25-00375 MWJS-RT
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant moved to dismiss a removed state-court complaint under Federal Rules of Civil Procedure 8 and 12(b)(6). The court granted dismissal on Rule 8 grounds and deferred deciding whether to grant leave to amend.
STANDARD OF REVIEW	The court evaluated the complaint under Federal Rule of Civil Procedure 8(a)(2), accepting factual allegations as true for purposes of the pleading analysis and requiring sufficient factual matter to provide fair notice and plausibly show entitlement to relief.
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

motions to dismiss · pleadings · fair debt collection · truth in lending · consumer protection

PRACTICE AREAS

civil procedure · consumer protection · fair debt collection · truth in lending

QUESTIONS PRESENTED

1. Whether the complaint satisfied Federal Rule of Civil Procedure 8(a)(2) by providing a short and plain statement of the claims and sufficient factual matter to give Sloan Servicing fair notice of the alleged misconduct.
2. Whether the complaint stated an FDCPA claim by alleging that Sloan Servicing was a covered debt collector.
3. Whether the complaint stated a RESPA claim where the alleged debt was a student loan and the complaint did not allege that it was a federally related mortgage loan.
4. Whether the plaintiff should be granted leave to amend.

HOLDINGS

1. The complaint failed to satisfy Rule 8 because it offered only conclusory references to federal statutes and the assertion that Sloan Servicing failed to respond lawfully, without sufficient factual allegations identifying how Sloan violated those statutes.

KEY QUOTATIONS

> *"Because the complaint fails to include sufficient factual allegations to place Sloan Servicing on notice of the wrongs it allegedly committed, the court GRANTS Sloan Servicing's motion on Rule 8 grounds."*

> *"Although the complaint references several federal statutes, it offers no explanation as to how Sloan Servicing allegedly violated those statutes beyond the assertion that "Sloan Servicing failed to respond lawfully.""*

> *"Because the complaint therefore fails to satisfy Rule 8's pleading standard, the court GRANTS Sloan Servicing's motion to dismiss."*

FACTUAL BACKGROUND

Carolyn Zemeckis disputed obligations arising from student loans serviced by Sloan Servicing and sent requests for loan documents, notices, and purported instruments to discharge the debt. She alleged that she tendered a negotiable instrument and served notices under the FDCPA, TILA, and RESPA, but pleaded only that Sloan Servicing failed to respond lawfully. The complaint sought a discharge decree, expungement of Sloan's claims, and injunctive relief against further collection or title interference.

PROCEDURAL HISTORY

The Estate Trust Known as Carolyn Zemeckis filed suit against Sloan Servicing in the Circuit Court of the Fifth Circuit, State of Hawaiʻi, alleging that Sloan failed to respond lawfully to notices concerning student-loan debt. Sloan was served on August 13, 2025, removed the action based on federal-question jurisdiction, and moved to dismiss. The plaintiff opposed the motion and filed additional motions, including motions for summary judgment, declaratory judgment, and judicial notice; the court dismissed the complaint under Rule 8, deferred the amendment question, and denied the other pending motions as moot.

DISPOSITION

dismissed

CASES CITED

- Newcomb v. Cambridge Home Loans, Inc., 861 F. Supp. 2d 1153, 1160 (D. Haw. 2012)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Jasso v. Citizens Telecomms. of Calif., No. Civ. S-05-2649, 2007 WL 97036 (E.D. Cal. Jan. 9, 2007)
- Schlegel v. Wells Fargo Bank, NA, 720 F.3d 1204, 1208 (9th Cir. 2013)
- Edmond v. Am. Educ. Servs., No. 10-0578, 2010 WL 4269129, at *5 (D.D.C. Oct. 28, 2010)
- Brumberger v. Sallie Mae Servicing Corp., 84 F. App’x 458, 459 (5th Cir. 2004)
- Schuetz v. Banc One Mortg. Corp., 292 F.3d 1004, 1008 (9th Cir. 2002)
- Edwards v. First Am. Corp., 289 F.R.D. 296, 304 (C.D. Cal. 2012)
- Schwartz v. Wells Fargo Home Mortg. Of Haw., LLC, No. 12-00257, 2012 WL 12893537, at *6 (D. Haw. Sept. 5, 2012)
- Burnett v. Twentieth Century Fox Film Corp., 491 F. Supp. 2d 962, 971-72 (C.D. Cal. 2007)
- Mansha Consulting LLC v. Alakai, 236 F. Supp. 3d 1267, 1273 (D. Haw. 2017)