UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

Antwione Smith v. ServiceMac, LLC

No. 25 C 3540 (N.D. Ill. Nov. 25 2025) · No. 25 C 3540 · Decided November 25, 2025

SUMMARY

The United States District Court for the Northern District of Illinois dismissed Antwione Smith's amended complaint against ServiceMac, LLC for failure to state a claim under the Fair Debt Collection Practices Act and the Fair Credit Reporting Act. The court held that Smith had not plausibly alleged violations concerning debt-collection communications, validation notices, account access, or notice from a consumer reporting agency. The court also denied Smith's motion for a preliminary injunction and allowed him until December 12, 2025, to seek leave to amend with a proposed viable complaint.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Matthew F. Kennelly
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	November 25, 2025
DOCKET	25 C 3540
DISPOSITION	dismissed
PROCEDURAL POSTURE	ServiceMac moved to dismiss Smith's amended complaint under Federal Rule of Civil Procedure 12(b)(6). Smith moved for a preliminary injunction and sought leave to amend. The court denied the preliminary-injunction motion and dismissed the amended complaint for failure to state a claim, while allowing Smith an opportunity to seek leave to file a second amended complaint by a specified date.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded facts as true and draws reasonable inferences in the plaintiff's favor, but the complaint must contain sufficient factual matter to state a plausible claim for relief. A preliminary-injunction movant bears the burden of showing likelihood of success on the merits, likely irreparable harm,

	that the balance of equities favors relief, and that an injunction is in the public interest.
PRECEDENTIAL VALUE	unpublished district-court opinion; precedential status unknown
PARTIES	Antwione Smith v. ServiceMac, LLC

TOPICS

fair debt collection · credit reporting · motions to dismiss · injunctions · civil procedure

PRACTICE AREAS

consumer protection · fair debt collection · credit reporting · civil procedure · injunctions

QUESTIONS PRESENTED

1. Whether Smith plausibly stated claims under the FDCPA based on alleged misrepresentations, foreclosure-related communications, debt-validation violations, harassment or abuse, and unfair or unconscionable collection practices.
2. Whether Smith plausibly stated a claim under FCRA § 1681s-2(b) by alleging that a credit-reporting agency notified ServiceMac of his dispute and that ServiceMac failed to investigate and correct inaccurate information.
3. Whether Smith was entitled to a preliminary injunction barring ServiceMac from collection activity or credit reporting.

HOLDINGS

1. Smith failed to state a plausible claim under 15 U.S.C. § 1692e because he did not adequately allege that ServiceMac made material misrepresentations, threatened legally impermissible or unintended foreclosure action, or otherwise used misleading means to collect a debt.
2. Smith failed to state a plausible claim under 15 U.S.C. § 1692g(a) because he did not identify or adequately allege the initial communication that triggered the statute's notice requirements.
3. Smith failed to state plausible claims under 15 U.S.C. §§ 1692d and 1692f based on his alleged inability to access ServiceMac's online account.
4. Smith could not pursue a private claim under 15 U.S.C. § 1681s-2(a) because that provision does not create a private right of action.
5. Smith failed to state a plausible claim under 15 U.S.C. § 1681s-2(b) because he did not allege that a credit-reporting agency notified ServiceMac of his dispute, and he did not identify a credit-reporting agency in the complaint.
6. Smith was not entitled to a preliminary injunction barring collection activity or credit reporting because he had not stated plausible claims and therefore had not shown a likelihood of success on the merits.

KEY QUOTATIONS

> *“To survive a motion to dismiss under Rule 12(b)(6), the plaintiff's complaint must contain factual allegations sufficient to "state a claim to relief that is plausible on its face."”* (Discussion, A)

> *“It is improper for a debt collector to "imply that certain outcomes might befall a delinquent debtor when, legally, those outcomes cannot come to pass[.]"”* (Discussion, A.1. FDCPA)

> *“Section 1681s-2(a) "does not create a private right of action" and cannot be the basis for Smith's claim.”* (Discussion, A.2. FCRA)

> *“At this point, however, Smith has not stated plausible claims for relief, let alone established a likelihood of success on the merits.”* (Discussion, A.2. Preliminary injunction)

FACTUAL BACKGROUND

Smith obtained a mortgage loan from Homebridge Financial Services in September 2024, and ServiceMac began servicing the loan for Lakeview Loan Servicing in November 2024. Smith alleges that he missed his first two payments, received collection communications and a warning about possible foreclosure, and later experienced difficulty accessing ServiceMac's online portal. He also alleges that ServiceMac furnished inaccurate information to credit-reporting agencies, causing damage to his credit, and that ServiceMac failed to adequately respond to his debt-validation requests.

PROCEDURAL HISTORY

Smith filed suit alleging violations of the Fair Debt Collection Practices Act and the Fair Credit Reporting Act. After the court granted Smith leave to amend, he filed an amended complaint. ServiceMac moved to dismiss the amended complaint, and Smith moved for a preliminary injunction barring collection activity and credit reporting. The court granted the motion to dismiss, denied the preliminary-injunction motion, and directed that judgment would be entered with prejudice if Smith did not timely move for leave to file a viable second amended complaint.

DISPOSITION

dismissed

CASES CITED

- Bell Atlantic Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)
- Hughes v. Northwestern University, 63 F.4th 615, 628 (7th Cir. 2023)
- Emerson v. Dart, 109 F.4th 936, 941 (7th Cir. 2024)
- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Estelle v. Gamble, 429 U.S. 97, 106 (1976)
- Hahn v. Triumph Partnerships LLC, 557 F.3d 755, 758 (7th Cir. 2009)
- Lox v. CDA, Ltd., 689 F.3d 818, 825 (7th Cir. 2012)
- Horkey v. J.V.D.B. & Associates, Inc., 333 F.3d 769, 774 (7th Cir. 2003)

- Zablocki v. Merchants Credit Guide Co., 968 F.3d 620, 625 (7th Cir. 2020)
- Purcell v. Bank of America, 659 F.3d 622, 623 (7th Cir. 2011)
- Westra v. Credit Control of Pinellas, 409 F.3d 825, 827 (7th Cir. 2005)
- Neiman v. Chase Bank, USA, N.A., No. 13 C 8944 (N.D. Ill. July 25, 2014)
- Freeman v. Ocwen Loan Servicing, LLC, 113 F.4th 701, 707 (7th Cir. 2024)
- Lang v. TCF National Bank, 249 F. App'x 464, 466-67 (7th Cir. 2007)
- Bevis v. City of Naperville, 85 F.4th 1175, 1188 (7th Cir. 2023)
- Winter v. Natural Resources Defense Council, Inc., 555 U.S. 7, 20 (2008)
- Mazurek v. Armstrong, 520 U.S. 968, 972 (1997)
- Crawford v. Equifax Payment Services, Inc., 201 F.3d 877, 882 (7th Cir. 2000)
- Banno v. Experian Information Solutions, Inc., No. 15 C 8291 (N.D. Ill. July 20, 2017)
- Washington v. CSC Credit Services Inc., 199 F.3d 263, 268 (5th Cir. 2000)