UNITED STATES DISTRICT COURT FOR THE DISTRICT OF DELAWARE

Errick M. Wright v. Experian Information Solutions, Inc., et al.

Wright · No. C.A. No. 23-200 (MN) · Decided February 2, 2026

SUMMARY

The United States District Court for the District of Delaware dismissed with prejudice Errick M. Wright's Fair Credit Reporting Act claims against Early Warning Services, LLC. The court held that the second amended complaint did not sufficiently allege injury, causation, or failure to follow reasonable procedures under 15 U.S.C. § 1681e(b), and found that further amendment would be futile.

CASE DETAILS

COURT	United States District Court for the District of Delaware
WRITING FOR THE COURT	Maryellen Noreika
JURISDICTION	United States District Court for the District of Delaware
DECIDED	February 2, 2026
DOCKET	C.A. No. 23-200 (MN)
DISPOSITION	dismissed
PROCEDURAL POSTURE	Defendant Early Warning Services, LLC moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss all claims asserted against it in the second amended complaint and alternatively sought an extension of time to file a dispositive motion. The court granted the motion to dismiss, dismissed the claims against Early Warning Services with prejudice, and denied the extension motion as moot.
STANDARD OF REVIEW	On a Rule 12(b)(6) motion, the court accepts well-pleaded factual allegations as true, disregards legal conclusions and unsupported bald assertions, and determines whether the complaint contains sufficient factual matter to state a claim that is plausible on its face.
PRECEDENTIAL VALUE	unpublished district court memorandum opinion
PARTIES	Errick M. Wright v. Experian Information Solutions, Inc., Early Warning Services, LLC, other defendants

TOPICS

credit reporting · consumer protection · motions to dismiss · pleadings · civil procedure

PRACTICE AREAS

consumer protection | credit reporting | civil procedure

QUESTIONS PRESENTED

1. Whether the second amended complaint plausibly alleged that Early Warning Services violated 15 U.S.C. § 1681e(b) by including inaccurate information in Wright's consumer report.
2. Whether the second amended complaint plausibly alleged injury, causation, and failure to follow reasonable procedures.
3. Whether amendment should be permitted or would be futile after Wright had multiple opportunities to amend.
4. Whether Early Warning Services's motion for an extension of time to file a dispositive motion should be granted if its motion to dismiss were denied.

HOLDINGS

1. The second amended complaint failed to state a claim under 15 U.S.C. § 1681e(b) because it did not plausibly allege sufficient facts showing inaccurate information, failure to follow reasonable procedures, injury, and causation; in particular, the complaint did not adequately show injury, causation, or a failure to follow reasonable procedures.
2. Dismissal with prejudice was warranted because amendment appeared futile after Wright had multiple opportunities to amend and still failed to state a claim against Early Warning Services.
3. The motion for an extension of time was denied as moot because the court granted Early Warning Services's motion to dismiss.

KEY QUOTATIONS

> *"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'"* (Legal Standard)

> *"To state a violation of 15 U.S.C. § 1681e(b), the SAC must include sufficient factual allegations that allow a court to reasonably infer that "(1) inaccurate information was included in a consumer's credit report; (2) the inaccuracy was due to the defendant's failure to follow reasonable procedures to assure maximum possible accuracy; (3) the consumer suffered injury; and (4) the consumer's injury was caused by the inclusion of the inaccurate entry.""* (Discussion)

> *"Based on the facts alleged, particularly those regarding the lack of negative information reported for the KeyBank account, amendment appears futile."* (Discussion)

FACTUAL BACKGROUND

Wright alleged that Early Warning Services prepared an August 2022 consumer report containing erroneous information about a KeyBank account allegedly opened in his name in 2012. He acknowledged that the report contained no transactions or balances and did not identify the account as open, closed, charged off, or in collections. He nevertheless alleged that the account information was inaccurate and damaging and sought statutory and punitive damages under the FCRA.

PROCEDURAL HISTORY

Wright filed this FCRA action on February 23, 2023, and later filed a second amended complaint, which became the operative pleading. Early Warning Services moved to dismiss the claims against it. The District of Delaware concluded that the second amended complaint did not plausibly allege a violation of 15 U.S.C. § 1681e(b), found amendment futile after multiple opportunities to amend, and dismissed the claims with prejudice.

DISPOSITION

dismissed

CASES CITED

- Erickson v. Pardus, 551 U.S. 89, 94 (2007)
- Ashcroft v. Iqbal, 556 U.S. 662, 678-679 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 556-558, 570 (2007)
- Bibbs v. Trans Union LLC, 43 F.4th 331, 342 (3d Cir. 2022)
- In re Rockefeller Ctr. Props., Inc. Sec. Litig., 311 F.3d 198, 216 (3d Cir. 2002)