

**IN THE UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF ALABAMA  
 WESTERN DIVISION**

<b>REUBEN S. CURB,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.: 7:06-CV-2301-RDP</b>
	)	
<b>TRANS UNION, LLC, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**ORDER**

Pending before the court is Defendant Ameriquest Mortgage Company’s (“Ameriquest”) Motion to Dismiss (Doc. # 12). The motion has been fully briefed by the parties and came under submission on December 11, 2006. For the reasons set forth in the memorandum opinion accompanying this order, the court concludes Ameriquest’s motion is due to be and is hereby **GRANTED IN PART** and **DENIED IN PART**. Ameriquest’s motion is hereby **GRANTED** insofar as the court finds Plaintiff does not have standing under the Fair Credit Reporting Act (“FCRA”), 15 U.S.C. § 1681 *et seq.*, to bring suit for any alleged failure by Ameriquest to provide accurate information under 15 U.S.C. § 1681e(b) or 15 U.S.C. § 1681s-2. However, Ameriquest’s motion is **DENIED** to the extent the court finds that Plaintiff’s state law claims are only partially preempted by the “FCRA.” Specifically, Plaintiff’s state law claims against Ameriquest that arose **after** it was notified by a credit reporting agency of Plaintiff’s dispute are preempted by the FCRA. However, those state law claims accruing **before** Ameriquest received a verification of Plaintiff’s dispute with information reported regarding his Ameriquest account from a credit reporting agency will survive, as long as Plaintiff can show that Ameriquest acted with the “malice or wilful intent

to injure” required by § 1681h(e).<sup>1</sup>

**DONE** and **ORDERED** this 1st day of March, 2007.

A handwritten signature in black ink, appearing to read 'R. David Proctor', written over a horizontal line.

**R. DAVID PROCTOR**  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>The court notes that another claim remaining against Defendant Ameriquest is Plaintiff’s allegation that it failed to conduct a proper and lawful investigation/reinvestigation under the FCRA. *See* 15 U.S.C. § 1681s-2(b)(1).