

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA**

RASHAD JOHNSON,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-23-617-J
)	
I.C. SYSTEM, INC.,)	
)	
Defendant.)	

ORDER

Before the Court is Defendant’s Motion for Summary Judgment [Doc. No. 17]. Plaintiff has filed his response, and Defendant has filed no reply. Based upon the parties’ submissions, the Court makes its determination.

I. Background

On July 29, 2021, Sprint placed Plaintiff’s account, with a balance of \$793.12, (Account) with Defendant for collection. Defendant first reported the Account to the credit reporting agencies on September 19, 2021. On May 17, 2023, Plaintiff called Defendant regarding the Account.¹

On July 17, 2023, Plaintiff filed this case against Defendant, alleging violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (FDCPA). Plaintiff alleges that he disputed the Account during the May 17, 2023 phone call and that Defendant violated 15 U.S.C. § 1692e(8) because it failed to disclose to the consumer reporting agencies that his Account was disputed. Defendant now moves for summary judgment.

¹ Exhibit D to Defendant’s Motion for Summary Judgment is a recording of the May 17, 2023 phone call. *See* [Doc. No. 22]. Plaintiff does not dispute the accuracy of the recording.

II. Standard of Review

Summary judgment is warranted “if the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law.” Fed. R. Civ. P. 56(a). Material facts are those which “might affect the outcome of the suit under the governing law.” *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986). A dispute is genuine “if the evidence is such that a reasonable jury could return a verdict for the nonmoving party.” *Id.* To determine whether this standard is met, the Court views the evidence in the light most favorable to the non-moving party. *See Estate of Booker v. Gomez*, 745 F.3d 405, 411 (10th Cir. 2014). “[T]he plain language of Rule 56(c) mandates entry of summary judgment . . . against a party who fails to make a showing sufficient to establish the existence of an element essential to that party’s case, and on which that party will bear the burden of proof at trial.” *Celotex Corp. v. Catrett*, 477 U.S. 317, 322-23 (1986).

III. Analysis

The FDCPA prohibits a debt collector from using “any false, deceptive, or misleading representation or means in connection with the collection of any debt.” 15 U.S.C. § 1692e. “Communicating or threatening to communicate to any person credit information which is known or which should be known to be false, including the failure to communicate that a disputed debt is disputed” is a violation of § 1692e. 15 U.S.C. § 1692e(8). To prevail on his § 1692e(8) claim, Plaintiff must show that Defendant furnished information to the credit reporting agencies which it knew or should have known to be false. *See Dixon v. RJM Acquisitions, LLC*, 640 F. App’x 793, 794 (10th Cir. 2016).

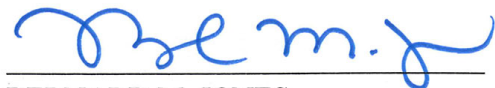
Plaintiff asserts that he disputed the Account during the May 17, 2023 call, when he asked “Is this balance of seven hundred and ninety-three dollars because of equipment? Because my

monthly bill wasn't that high." Having reviewed the parties' submissions, and viewing the evidence in the light most favorable to Plaintiff, the Court concludes that Plaintiff has not submitted any evidence showing that he disputed the Account. Specifically, having listened to the recording of the May 17, 2023 call, the Court finds that no reasonable factfinder could conclude that Plaintiff disputed the debt with Defendant during the call. Plaintiff simply states that he has some questions about some information on his credit report, asks the above referenced question, and when Defendant's representative states that it did include equipment, Plaintiff says that he answered his question. At no point during the call does Plaintiff say anything that would indicate he is disputing the debt. The Court, therefore, finds that Defendant is entitled to summary judgment.

III. Conclusion

Accordingly, for the reasons set forth above, the Court GRANTS Defendant's Motion for Summary Judgment [Doc. No. 17].

IT IS SO ORDERED this 7th day of May, 2024.



BERNARD M. JONES
UNITED STATES DISTRICT JUDGE