

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

JOHN PHILLIPS

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v.

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Civil No. – JFM-13-1302

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CAPITAL REMODELING, INC.

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MEMORANDUM

Plaintiff has brought this action, on behalf of himself and of a class of persons similarly situated, under the Truth in Lending Act, 15 U.S.C. §1601 et seq., against Capital Remodeling, Inc. Defendant moved to dismiss the initial complaint. Plaintiff then filed an amended complaint. The parties have filed memoranda that address the amendments. Defendant’s motion to dismiss will be granted.

Plaintiff entered into a home improvement contract with defendant. The original contract between the parties expressly provided that defendant was not a “creditor” who would assist plaintiff in obtaining financing for the home improvement project. Defendant at the time provided no truth in lending disclosures to plaintiff. Two months after the contract was signed, defendant sent a letter to plaintiff identifying “Capital Remodeling, Inc.,” as the lender. At the time defendant did provide truth in lending disclosures to plaintiff.

Plaintiff claims, in effect, defendant was the lender from the outset and that the truth in lending disclosure should have been made at the time the initial contract was signed. Plaintiff has cited no authority in support of that proposition. As soon as Capital Remodeling, Inc., was identified as the lender, truth in lending disclosures were made. That was fully sufficient.

A separate order dismissing this action is being entered herewith.

Date: August 23, 2013

/s/

J. Frederick Motz
United States District Judge