

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
NORFOLK DIVISION**

**BIANCA GARCIA,**

**Plaintiff,**

**v.**

**CIVIL NO. 2:20cv391**

**AUSTIN CAPITAL BANK,**

**Defendant.**

**OPINION AND ORDER**

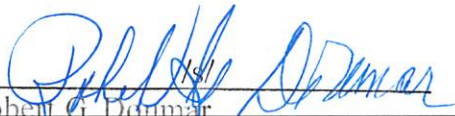
This matter comes before the Court on the defendant Austin Capital Bank's ("Defendant" or "ACB") Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure ("Motion to Dismiss"), ECF No. 9, which is hereby **GRANTED** for the reasons stated on the record at the Motion to Dismiss hearing on March 25, 2021. ECF No. 19. Plaintiff's complaint is hereby **DISMISSED WITHOUT PREJUDICE**. ECF No. 1. If Plaintiff desires to amend its Amended Complaint, Plaintiff is **ORDERED** to file within **FOURTEEN (14) DAYS** of the date hereof a Second Amended Complaint.<sup>1</sup> Defendant shall have **FOURTEEN (14) DAYS** to respond to Plaintiff's Second Amended Complaint.

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<sup>1</sup> As the Court stated in the Motion to Dismiss Hearing, the Court is most concerned with Plaintiff's pleading as to whether Defendant conducted a reasonable investigation under 15 U.S.C. § 1681s-2(b), and the extent of Plaintiff's damages as a result of the alleged inaccurate report. ECF No. 19.

The Clerk is **DIRECTED** to forward a copy of this Order to all Counsel of Record.

**IT IS SO ORDERED.**



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 Robert G. Doumar  
 UNITED STATES DISTRICT JUDGE  
 Senior United States District Judge

Norfolk, VA  
 March 26, 2021