

## Insights



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### **Dead End: No Private Cause of Action Under W.Va. Code §50-4-1**

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In the ever-evolving environment surrounding West Virginia Consumer Credit Protection Act ("WVCCPA") litigation, a recurring trend has emerged. Debtors being sued in West Virginia Magistrate Court are asserting WVCCPA claims against creditors predicated on the creditor's alleged failure to comply with the Magistrate Court pleading standards contained in W. Va. Code § 50-4-1. Currently, this theory is working its way through the circuit courts, but we anticipate that it will eventually have to be addressed by the Supreme Court of Appeals of West Virginia, because a private right of action is not provided for in the statute. Consequently, these claims are ripe for dismissal pursuant to W. Va. R. Civ. P. 12(b)(6).

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