Great FDCPA Case Law Citations

As is ALWAYS THE CASE…. Go read the citation and find the proper quotation from it that fits your argument…….. do NOT rely on what is stated here.

The citations below that are underlined are adverse decisions that you can learn from!!

Alozynski v. Rubin & Debski, P.A., 2010 WL 1849081 (M.D. Fla, May 7, 2010). The court denied a motion to dismiss because individuals who control and direct the practices of a collection firm can be personally liable even if they act under the auspices of a corporate entity. In addition, they may be liable as persons who "directly or indirectly" collect or attempt to collect a debt.

Belin V. Litton Loan Serv., L.P., 2006 WL 1992410 (M.D. Fla. July 14, 2006). The employees of a debt collection agency who actually engaged in the allegedly unlawful misconduct and the collection agency itself are jointly and severally liable for the resulting FDCPA violations.

Kort v. Diversified Collection Servs., Inc., 270 F. Supp. 2d 1017 (N.D. Ill. 2003), *aff'd in part*, 394 F.3d 530 (7th Cir. 2005). Private guaranteed student loan debt collectors are subject to the FDCPA.

Munoz v. Pipestone Fin., LLC, 397 F. Supp. 2d 1129 (D. Minn. 2005). The purchaser of defaulted debt portfolios was a debt collector, notwithstanding that it itself did not communicate with the consumer in an attempt to collect debt and where instead the actual collection efforts were performed by another debt collector with whom it contracted.

Krapf v. Prof'l Collection Servs., Inc., 525 Supp. 2d 3324 (E.D.N.Y. 2007). Employees of the debt collector personally involved with the violative conduct are personally liable under the FDCPA.

Ohlson v. Cadle Co. 2006 WL 721505 (E.D.N.Y. Mar 21, 2006). The court rejected the defendant's contention that only collection agencies, and not individuals, are liable under the FDCPA, holding to the contrary "that officers and employees of the debt collecting agency may be jointly and severally liable with the agency where they have affirmatively acted."

Reade-Alvarez v. Eltman, Eltman & Cooper, P.C., 369 F. Supp. 2d 353 (E.D.N.Y. 2005). The individuals who were personally involved in the collection of the debts at issue were "debt collectors" subject to the FDCPA.

Alamo v. ABC Fin. Servs., Inc., 2011 WL 221766 (E.D. Pa. Jan. 20, 2011). Merely identifying oneself as a debt collector does not make one a debt collector under the FDCPA.

Hester v. Graham, Bright & Smith, P.C., 289 Fed. Appx. 35 (5th Cir. 2008). Whether an attorney is a "debt collector" is a determination to be made on a case-by-case basis applying the following principles: "Attorneys qualify as debt collectors for purposes of the FDCPA when they regularly engage in consumer debt collection, such as litigation on behalf of a creditor client. A person may 'regularly' collect debts even if debt collection is not the principal purpose of his business. If the volume of a person's debt collection services is great enough, it is irrelevant that these services only amount to a small fraction of his total business activity. Whether a party 'regularly' attempts to collect debt is determined, of course, by the volume or frequency of its debt collection activities." The defendant attorneys were acting regularly and thus were debt collectors as defined when over the previous two years they attempted to collect debts on 450 different occasions for four clients and filed nearly two hundred collection suits.

Addison v. Braud, 105 F.3d 223 (5th Cir. 1997). Attorneys who regularly engaged in debt collection litigation were "debt collectors" for the purposes of the FDCPA.

Frey v. Gangwish, 970 F.2d 1516 (6th Cir. 1992). The validation notice must be provided within five days of the initial communication even where the first communication was an attorney's post-judgment letter to the consumer.

Carroll v. Wolpoff & Abramson, 961 F.2d 459 (4th Cir. 1992). The 1986 amendment to the FDCPA to eliminate the exclusion of attorneys from the definition of "debt collector" was a repeal, not a reenactment which generally incorporates prior judicial decisions.

Crossley v. Lieberman, 868 F.2d 566 (3rd Cir. 1989). An attorney routinely collecting consumer debts is a debt collector under § 1692a(6).

Newman v. CheckRite California, Inc., 912 F. Supp. 1354 (E.D. Cal. 1995). The FDCPA applies to lawyers engaged in litigation.

First Interstate Bank v. Soucie, 924 P.2d 1200 (Colo. App. 1996). Vicarious liability will be imposed on an attorney's client for the attorney's FDCPA violations if the attorney and client were both debt collectors.

Woolfolk v. Rubin, 1990 U.S. Dist. LEXIS 20964 (D. Conn. Feb. 2, 1990). Definition of a debt collector includes any attorney who engages in debt collection more than a few times a year.

Yale New Haven Hosp. v. Orlins, 1992 WL 110710 (Conn. Super. Ct. May 11, 1992). "Simply stated, if an attorney regularly engages in debt collection activities, that attorney is a 'debt collector' under the FDCA and is subject to its provisions'…. This court holds that there is no additional implied exemption for 'attorneys when performing tasks of a legal nature'".

Agan v. Katzman & Korr, P.A., 2004 WL 555257 (S.D. Fla. Mar. 16, 2004). The court applied Heintz v. Jenkins holding that an attorney can be a debt collector under the FDCPA, if he regularly engages in consumer debt collection activity.

Donley v. Nordic Properties, Inc., 2003 WL 22282523 (N.D. Ill. Sept. 30 2003). A creditor seeking to collect its own debt was not a "debt collector"; however, its attorney seeking to collect its debt was a "debt collector."

Laws v. Cheslock, 1999 U.S. Dist. LEXIS 3416 (N.D. Ill. Mar, 8, 1999). By listing his own name and "attorney at law" in large font at the top of the page, the creditor's in-house collection lawyer gave the misleading impression that he was a solo practitioner. Other factors included the statement that the matter had been "referred to me for collection"; the reference to "my office"; and the use of plural pronouns. The presence of the creditor's name in the letterhead was only one factor in determining whether the attorney employed by the creditor acted in the name of the creditor. Whether a lawyer was a debt collector could be decided as a matter of law, where dunning letter could lead an unsophisticated consumer into believing the lawyer did not work as an employee of the creditor.

Johnson v. Eaton, Clearinghouse No. 49,970 (M.D. La. 1994). 1986 Deletion by Congress of the attorney exemption from the definition of "debt collector" left nothing "to indicate that attorneys in the course of litigation, or engaged in purely legal activities--activities that can only be performed by an attorney—should be excluded from the requirements of the FDCPA."

Stojanovski v. Strobl & Manoogian, 783 F. Supp. 319 (E.D. Mich. 1992). Law firm which collected debts only 4% of the time was a "debt collector" because such activity was regular and brought law firm within § 1692a(6).

Chulsky v. Hudson Law Offices, P.C. 2011 WL 500202 (D. N.J. Feb. 10, 2011). The court rejected the defendant's motion to dismiss the claim against her individually because the allegations spoke to actions completed in her professional capacity as an attorney for the law firm that owned the plaintiff's debt. Attorneys may be held liable for misleading statements made on behalf of their clients.

Kolker v. Sanchez, 1991 WL 11691589 (D. N.M. Dec. 10, 1991). An attorney who regularly files lawsuits to collect consumer debts was a debt collector.

Dolente v. McKenna, 1996 WL 304850 (E.D. Pa. June 6, 1996). The court denied the motion to dismiss by the law firm representing a creditor as it found the law firm was a debt collector under the FDCPA as it regularly engaged in debt collection for others.

Littles v. Lieberman, 90 B.R. 700 (E.D. Pa. 1988). Attorney in general practice covered by FDCPA where that practice included a minor but regular debt collection practice.

Crossley v. Lieberman 90 B.R. 682 (E.D. Pa. 1988). a*ff'd*, 868 F.2d 566 (3d Cir. 1989). FDCPA applies to an attorney whose collection work is a minor but regular part of his general practice.

Tomas v. Bass & Moglowski, 1999 U.S. Dist. LEXIS 21533 (W.D. Wis. June 29, 1999). Filing a complaint and other aspects of litigation were actions in connection with the collection of a debt.

Mertes v. Devitt, 734 F. Supp. 872, 874 (W.D. Wis. 1990). Attorney not a debt collector where debt collecting practice made up less than 1% of total practice and he collected less than two times a year over ten years.

Kistner v. Law Offices of Michael P. Margelefsky, L.L.C., 518 F.3d 433 (6th Cir. 2008). A collection lawyer was responsible under the FDCPA for collection letters sent under his supervision. There is no corporate immunity under the FDCPA for officers of a debt collection agency or law firm who are actively engaged in debt collection.

Beasley v. Collectors Training Inst., 1999 U.S. Dist. LEXIS 2575 (N.D. Ill. Feb. 25, 1999). Complaint sufficiently stated a claim against individual officers and employees of a corporation by alleging that the individual defendants collected debts on behalf of a third party. Plaintiff did not need to allege facts to pierce the corporate veil to reach the officers.

Carvana v. MFG Fin., Inc., 2008 WL 246 8539 (D. Utah June 17, 2008). The corporate form does not protect officers, directors, or shareholders from individual liability under the FDCPA; individuals who satisfy the statutory definition can be held personally liable under the FDCPA **without piercing the corporate veil.**

Police v. Nat'l Tax Funding, L.P., 225 F.3d 379 (3d Cir. 2000). The § 1692a(6)(c) exemption for government employees did not extend to a collection agency hired by the government to collect water bills.

Hernandez v. Midland Credit Mgmt., Inc., 2006 WL 695451 (N.D. Ill. Mar. 14, 2006). Allegation showing that the defendant Encore at least "indirectly" engaged in the collection of a debt for a third party were adequate to state a claim that the defendant was a "debt collector" under the FDCPA. Encore is a debt buyer that owns Midland which was collecting the debt by sending out a notice for Encore.

Robinson v. Managed Account Receivables Corp., 654 F. Supp. 2d 1051 (C.D. Cal. 2009). Employees of a debt collection organization may be "debt collectors" under the FDCPA and held personally liable for acts committed during the scope of their employment.

LeBlanc v. Unifund CCR Partners, 601 F.3d 1185 (11th Cir. 2010). Partners of a debt collector limited partnership may be held jointly and severally liable for the partnership's conduct regardless of whether they violated the FDCPA and whether or not they are debt collectors.

Peter v. G.C. Servs. L.P., 310 F.3d 344 (5th Cir. 2002). General partners are liable for all obligation of the partnership. Thus, G.C. Financial and D.L.S. Enterprises are liable for the FDCPA violations of G.C. Services.

Police v. Nat'l Tax Funding, L.P., 225 F.3d 379 (3rd Cir. 2000). A collection agency that took assignment of defaulted debts and then hired another collection agency to do the collection work would be vicariously liable for the FDCPA violations of the hired agency. The general partner of the two agencies, both limited partnerships, should also be vicariously liable for their FDCPA violations.

United States v. ACB Sales & Serv., Inc., 590 F. Supp. 561 (D. Ariz. 1984). The officers of a collection agency are not liable for an FDCPA violation to which they did not participate absent piercing of corporate veil. Parent corporation which solicited accounts for and supervised the collection activities of local subsidiaries is a debt collector liable for violation of subsidiaries since entire group of corporations are single economic enterprise.

Schwarm v. Craighead, 552 F. Supp. 2d 1056 (E.D. Cal. 2008). Personal FDCPA liability can be imposed on employees, shareholders, officers and directors without piercing the corporate veil, as long as the individual; (1) materially participated in collecting the debt at issue; (2) exercised control over the affairs of the business; (3) was personally involved in the collection of the debt at issue; or (4) was regularly engaged, directly and indirectly, in the collection of debts. The individual defendant had FDCPA liability where, as a director and president, the individual oversaw collecting debts pursuant to contracts with the district attorneys' offices, was one of only three individuals that had final authority over the company's collection procedures, developed the automated software the company used, and was solely responsible for managing and maintaining the automated computer system that implemented the collection program.

First Interstate Bank v. Soucie, 924 P.2d 1200 (Colo. App. 1996). Vicarious liability will be imposed on an attorney's client for the attorney's FDCPA violations if the attorney and client were both debt collectors.

Cashman v. Ricigliano, 2004 WL 1920798 (D. Conn. Aug. 25, 2004). Partnership may be sued under the FDCPA since it is responsible for the acts of its partners.

LeBlanc v. Unifund CCR Partners, G.P., 552 F. Supp. 2d 1327 (M.D. Fla. May 8, 2008). FDCPA liability was imputed under the FDCPA and state partnership law to the general partners of defendant that only participated indirectly in its actual collection efforts.

Martinez v. Albuquerque Collection Servs., 867 F. Supp. 1495 (D. N.M. 1994). "Debt collectors employing attorneys or other agents to carry out debt collection practices that violate the FDCPA are vicariously liable for their agent's conduct."

Albanese v. Portnoff Law Assocs., Ltd., 301 F. Supp 2d 389 (S.D. Pa. 2004). The law firm's president, with duties of supervision and overall responsibility, and the attorney who signed the letters could both be liable under the FDCPA.

Brumbelow v. Law Offices of Bennett & Deloney, P.C., 372 F. Supp. 2d 615 (D. Utah 2005). Even if shareholders were not directly involved in the collection efforts, there was a factual question whether they could be liable as indirect debt collectors, since they exercised supervisory authority over the corporation, were intimately involved with the practices and procedures of the corporation, and, in fact, developed and implemented the particular collection practice.

West v. Costen, 558 F. Supp. 564 (W.D. Va. 1983). A collection agency and ins individual collection employees are all "debt collectors" separately liable for their separate violations of the FDCPA. By piercing the corporate veil, the owner of the collection agency was also found liable for FDCPA violations.

Robey v. Shapiro, Marianos & Cejda, L.L.C., 434 F.3d 1208 (10th Cir. 2006). Actual damages are not required for standing under the FDCPA as the attempt to recover unlawful fees was made actionable by Congress.

Montgomery v. Huntington Bank & Silver Shadow Recovery, Inc., 346 F.3d 693 (6th Cir. 2003). A non-debtor who was subjected to abusive collection tactics may not maintain an action for violations of § 1692c(c), since that section is limited to violations directed at a "consumer" as defined in the Act, but may maintain an action for violation of §§ 1692d and 1692e, which have no such limitation and therefore apply to anyone who is the victim of prescribed misconduct.

Keele v. Wexler, 149 F/3d 589. 594 (7th Cir. 1998). "[T]he FDCPA is designed to protect consumers from the unscrupulous antics of debt collectors, irrespective of whether a valid debt actually exists."

Baker v. G.C. Servs. Corp., 677 F.2d 775, 777 (9th Cir. 1982). "The Act is designed to protect consumers who have been victimized by unscrupulous debt collectors, regardless of whether a valid debt actually exists."

Sparks v. Phillips & Cohen Assocs., Ltd., 641 F. Supp. 2d 1234 (S.D. Ala. 2008). "Any person," can be a plaintiff, not just a consumer.

Dutton v. Wolhar, 809 F. Supp. 1130 (D. Del. 1992), *aff'd*, 5 F.3d 649 (3rd Cir. 1993). The protections of the FDCPA are not limited to "consumers"; liability is imposed upon a debt collector who has failed to comply with the Act with respect to "any person" pursuant to § 1692k.

Drossin v. Nat'l Action Fin. Servs., Inc., 255 F.R.D. 608 (S.D. Fla. 2009). Plaintiff, who received an initial prerecorded telephone message from the debt collector and then a letter from the same entity stating that she owed a debt, had standing to assert FDCPA claims arising from the telephone message that was allegedly intended for another person with the same last name as Plaintiff. The FDCPA is broadly written to provide standing to "any person" and should be liberally construed to protect "alleged" debtors.

Folten v. Creditor Servs, Bur., Inc., 2006 WL 1582459 (C.D. Ill. June 7, 2006). The court denied the collection agency's motion to dismiss the FDCPA claims finding that plaintiff, a former collection attorney for the collection agency, had sufficiently stated a cause of action by alleging that the collection agency forged his signature to at least 29 legal documents filed in court in connection with the collection agency's efforts to collect debts violating § 1692e(3). The collection attorney withdrew the forged complaints and terminated his relationship with the agency. The court noted that the FDCPA was broadly written to accord a private right of action to "any person".

Flowers v. Accelerated Bureau of Collections, Inc., 1997 WL 136313 (N.D. Ill. Mar. 19, 1997). The spouse of a consumer may bring FDCPA claim if debt collection efforts that would violate the Act were targeted at her. A husband to which a collection call was targeted had standing to sue where the threats to sue and garnish his wages were received by his wife.

Kaniewski v. Nat'l Action Fin. Servs., 678 F. Supp. 2d 541 (E.D. Mich 2009). One who knows that he is not alleged to owe the debt is not a "consumer" and does not have standing to bring claims under §§ 1692e and 1692g, but does have standing as any person to bring claims pursuant to § 1692d.

Thomas v. Consumer Adjustment Co., 579 F. Supp. 2d 1290 (E.D. Mo. 2008). Third party who answered the call had standing to sue the debt collector; the focus of §§ 1692c(b) and 1692b is not solely on communications with the consumer; it also regulates the content of the communication with third parties and proscribes certain conduct, such as communicating with the third party more than once. Under the unique facts here, where the third party alleges direct harm and actual damages, she has standing.

Bank v. Pentagroup Fin., L.L.C., 2009 WL 1606420 (E.D. N.Y. June 9, 2009). The court erroneously held that one who received recorded calls aimed at a different consumer has no standing under § 1692c. "[Plaintiff] lacks standing to bring a claim under § 1692c because; (1) he was not obligated or allegedly obligated to pay any debt; and (2) he has not alleged that he is a consumer's spouse, parent, guardian, executor or administrator. Accordingly, [defendant's] motion to dismiss [plaintiff's] § 1692c claim is granted."

Sibersky v. Borah, Goldstein, Altschuler & Schwartz, P.C., 2000 U.S. Dist. LEXIS 14043 (S.D. N.Y. Sept. 22, 2000). Husband who was not a consumer could pursue FDCPA claims under sections not restricted to consumers, such as a § 1692e(5) claim. Since husband did not owe the rent debt or receive the three-day demand letter, his claim for violation of the notice requirements, which applied only to consumers, was dismissed.

Riveria v. MAB Collections, Inc., 682 F. Supp. 174 (W.D. N.Y. 1988). The FDCPA private remedy is available to "any person," not just consumers. Therefore, the administrator who had received dunning letters regarding a consumer debt had standing to sue under FDCPA.

Johnson v. Bullhead Invs., L.L.C. 2010 WL 118274 (M.D.N.C. Jan.11, 2010). The consumer, a person with a name similar to the actual debtor, who was served with the actual debtor's state court collection suit even after she notified the collector of the mistaken identity and who incurred attorney fees in having the collection case against her dismissed and incurred other actual damages as a result of the debt collector's collection efforts, had standing FDCPA violations.

Woodside v. New Jersey Higher Educ. Assistance Auth., 1993 WL 56020 (E.D. Pa. Mar. 2, 1993). Plaintiffs were consumers protected by the FDCPA despite defendant's argument that they are not because plaintiffs have the ability but not the desire to pay the collector's claim.

Donohue v. Quick Collect, Inc., 592 F.3d 1027 (9th Cir. 2010). "[A state court] complaint served directly on a consumer to facilitate debt-collection efforts is a communication subject to the requirements of §§ 1692e and 1692f.

Edwards v. Niagara Credit Solutions, Inc., 584 F.3d 1350 (11th Cir. 2009). Telephone answering machine messages that asked the consumer to return calls from the defendant debt collector and that did not convey any specific information about a debt were nevertheless "communications subject to the FDCPA since the reason for the calls was to collect a debt and they thus indirectly conveyed information about the debt.

Goldman v. Cohen, 445 F.3d 152 (2nd Cir. 2006). A legal pleading was a "communication" within meaning of the FDCPA.

Hutton v. C.B. Accounts, Inc., 2010 WL 3021904 (C.D. Ill. Aug. 3, 2010). Leaving a voicemail message to call back is a "communication" because the purpose was to induce the consumer to call to discuss her outstanding debt.

Matmanivong v. Unifund CCR Partners, 2009 WL 1181529 (N.D. Ill. Apr. 28, 2009). Communications to lawyers and the court are subject to § 1692e of the FDCPA just like communications to consumers.

Ramirez v. Apex Fin. Mgmt., L.L.C. 567 F. Supp. 2d 1035 (N.D. Ill. 2008). The court rejected Biggs v. Credit Collections, Inc., 2007 WL 4034997 (W.D.Okla. Nov. 15, 2007), and followed the overwhelming majority rule of *Foti, et al.*, that the debt collector's voicemail messages were FDCPA "communications."

Gathing v. Mortgage Elec. Registration Sys., Inc., 2010 WL 889945 (W.D. Mich. Mar. 10, 2010). Since FDCPA prohibits actions and unfair practices that may not involve communicating directly with the consumer, *pro so* allegations that co-defendant was debt collector's servicing agent and that co-defendant debt collector is vicariously liable for its servicing agent's acts under the doctrine of respondeat superior, survives motion to dismiss. Summary judgment denied where co-defendant servicing agent offers no support for its contention that statements made in a letter that also includes language required by law or in a response to an inquiry by a plaintiff are exempt from compliance with the FDCPA.

Edeh v. Midland Credit Mgmt., Inc., 2010 WL 3893604 (D. Minn. Sept 29, 2010). "The court has learned through its work on countless FDCPA cases that threatening to report and reporting debts to CRAs is one of the most commonly-used arrows in the debt collector's quiver. Consistent with the view of the FTC-and consistent with the views expressed in Purnell, Quale, and Semper-the court finds that Midland was engaged in "collection of the debt" in violation of § 1692g(b) when it reported Edeh's disputed debt to the CRAs before sending verification of that debt to Edeh."

Seaworth v. Meserli, 2010 WL 3613821 (D. Minn. Sept. 7, 2010). The court concluded that a pleading sent to the *pro se* consumer's home but never received was not a "communication."

Mark v. J.C. Christensen & Assoc., Inc., 2009 WL 2407700 (D. Minn. Aug. 4, 2009). Messages left by the debt collector on the consumer's answering machine are "communications" under the FDCPA.

Thomas v. Consumer Adjustment Co., 579 F. Supp. 2d 1290 (E.D. Mo. 2008). Even though the debt collector did not disclose any information about the account, since the call was made for the purpose of contacting the debtor to obtain collection, it was a "communication" within § 1692a(2).

Davis v. Trans Union, L.L.C., 526 F. Supp. 2d 577 (W.D. N.C. 2007). Reporting to credit bureaus is a communication within the FDCPA. Allegation that collection agency falsely reported the balance of an account to a credit bureau survived motion to dismiss.

Midland Funding L.L.C. v. Brent, 644 F. Supp. 2d 961 (N.D. Ohio 2009). Affidavits attached to complaints for money themselves constitute communications for the purposes of the FDCPA.

Kline v. Mortgage Elec. Registration Sys., Inc. 2009 WL 6093372 (S.D. Ohio Nov. 24, 2009). Report and recommendation adopted, 2010 WL 1133452 (S.D. Ohio Mar. 22, 2010). Allegations that the defendants misrepresented and inflated various fees and charges owing while pursuing the underlying foreclosure were not actionable since the subject communications were made to the consumer's attorney and thus were outside of the FDCPA per the rule of Guerrero v. RJM Acquisitions L.L.C., 499 F.3d 926 (9th Cir. 2009).

Re Gunter, 334 B.R. 900 (Bankr. S.D. Ohio 2005). Summons and complaint are "communications" within the FDCPA.

Mendus v. Morgan & Assoc.., 994 P.2d 83 (Okla. Ct. App. 1999). A pleading or a summons was a communication under the FDCPA and was the initial communication triggering the validation notice requirements.

Capital Credit & Collection Serv., Inc. v. Armani, 206 P.3d 1114 (Or. Ct. App. 2009). A "false, deceptive, or misleading representation or means in connection with the collection of any debt" under § 1692e includes communications by the debt collector to the debtor's attorney, since the FDCPA applies to direct and indirect collection efforts.

Henry v. Shapiro, 2010 WL 996459 (E.D. Pa. Mar. 15, 2010). The FDCPA includes the contents of formal pleadings within its scope except where formal pleadings are explicitly exempted by §§ 1692e(11) and 1692g(d).

Inman v. NCO Fin. Sys., Inc. 2009 WL 3415281 (E.D. Pa. Oct. 32, 2009). Followed *Foti,* holding prerecorded messages left on an answering machine were communications.

Sullivan v. Equifax, Inc., 2002 WL 799856 (E.D. Pa. Apr. 19, 2002). The court rejected the argument that sending false information about a delinquent payment to a credit reporting agency was not debt collection conduct.

Banks v. Ford Motor Credit, 2005 WL 43981 (N.D. Tex. Jan. 7, 2005). The court rejected the argument that sending false information about a delinquent payment to a credit reporting agency was not debt collection conduct.

Reyes v. Kenosian & Miele, L.L.P., 619 F. Supp. 2d 796 (N.D. Cal. 2008). State court collection complaints are generally subject to the FDCPA.

Ruth v. Triumph P'ships, 577 F.3d 790 (7th Cir. 2009). The FDCPA is a strict liability statute, and debt collectors whose conduct fails short of its requirements are liable here respective of their intentions.

Jacobson v. Healthcare Fin. Servs., Inc., 516 F.3d 85 (2nd Cir. 2008). The "Act is primarily a consumer protection statute, and we have consistently interpreted the statute with that congressional object in mind."

Brown v. Card Serv. Ctr., 464 F.3d 450 (3rd Cir. 2006). The FDCPA is a remedial statute to be broadly construed so as to effect its purpose.

Johnson v. Riddle, 305 F.3d 1107 (10th Cir. 2002). The FDCPA is a remedial statute to be liberally construed to accomplish its purposes.

Frey v. Gangwish, 970 F.2d 1516 (6th Cir. 1992). The FDCPA is "an extraordinarily broad statute" and must be enforced "as Congress has written it."

Jeter v. Credit Bureau, Inc., 760 F.2d 1168 (11th Cir. 1985). Since the purposes of the FDCPA stated in § 1692 included the strengthening of federal protections for consumers, courts should interpret the FDCPA to be at least as protective of consumers as was the FTC Act at the time when the FDCPA was enacted. Thus, the FDCPA's objective standards should be construed to be protective of consumers who are unsophisticated and relatively more susceptible to abuse.

Federal Trade Comm'n v. Shaffner, 626 F.2d 32 (7th Cir. 1980). "Although Congress intended the Act to be enforced primarily by consumers… it also authorized the FTC… to use all its functions and powers to enforce compliance."

Randall v. Nelson & Kennard, 2010 WL 3636258 (D. Ariz. Sept. 20, 2010). The FDCPA is considered a strict liability statute, meaning that a consumer need not show that the debt collector intentionally, fraudulently, or knowingly violated the Act.

Hayden v. Rapid Collection Sys., Inc., 2006 WL 1127180 (D. Ariz. Apr. 27, 2006). Collector's reliance on information from the creditor was immaterial since the FDCPA is a strict liability statute. The court recognized that such reliance might be an aspect of the bona fide error defense.

Reyes v. Kenosian & Miele, L.L.P., 619 F. Supp. 2d 796 (N.D. Cal. 2008). Contents of state court complaint are subject to the FDCPA.

Irwin v. Mascott, 94 F. Supp. 2d 1052 (N.D. Cal. 2000). Since the FDCPA is a strict liability statute, no showing of intent was necessary to establish liability.

O'Connor v. Checkk Rite, 973 F. Supp. 1010 (D. Colo. 1997). FDCPA is a strict liability statute and only one violation need be shown to entitle consumer to summary judgment.

Cirkot v. Diversified Fin. Sys., Inc., 839 F. Supp. 941, 944 (D. Conn. 1993). "[T]he FDCPA is remedial in nature and should be liberally construed."

Ayala v. Dial Adjustment Bureau, Inc., 1986 U.S. Dist. LEXIS 30983 (D. Conn. Dec. 4, 1986). The FDCPA should be construed to accomplish the regulatory goals intended by Congress.

Chalik v. Westport Recovery Corp., 677 F. Supp. 2d 1322 (S.D. Fla. 2009). The FDCPA establishes a strict liability standard and requires only one violation for a consumer to prevail. A debt collector may still violate the FDCPA while simultaneously following an authorized state procedure.

Pollack v. Bay Area Credit Serv., L.L.C., 2009 WL 2475167 (S.D. Fla. Aug. 13, 2008). FDCPA is a strict liability statute so the consumer need not show that the violation was intentional.

Berg v. Merchants Ass'n Collection Div., Inc., 586 F. Supp. 2d 1336 (S.D. Fla. 2008). The FDCPA's prohibition barring collectors from leaving pre-recorded voicemail collection messages that are heard by unauthorized third parties does not violate the First Amendment since the prohibition "is narrowly tailored to serve the significant governmental interest of protecting consumers' privacy" and "[d]ebt collectors have several alternative channels of communication available to them, including live conversation via telephone, in person communication, and postal mail."

Milton v. LTD Fin. Serv. Inc., 2011 WL 291363 (S.D. Ga. Jan. 25, 2011).+ "[T]he FDCPA as a strict liability statute, such that no evidence of intent to mislead or deceive is necessary.

Ross v. Commercial Fin. Serv. Inc., 31 F. Supp. 2d 1077, 1079 (N.D. Ill. 1999). "Because it is designed to protect consumers, the FDCPA is generally liberally construed."

McDonaiel v. South & Assocs., P.C., 325 F. Supp. 2d 1210 (D. Kan. 2004). FDCPA is a remedial statute which should be construed liberally in favor of the consumer.

Bishop v. Global Payments Check Recovery Servs., Inc., 2003 WL 21497513 (D. Minn. June 25, 2003). FDCPA imposes strict liability without regard to whether the consumer was misled by the violation.

Picht. V. Hawks, 77 F. Supp. 2d 1041, 1043 (D. Minn. 1999) aff'd , 236 F.3d 446 (8th Cir. 2001). The FDCPA is a "remedial, strict liability statute which was intended to be applied in a liberal manner."

Boyko v. Am. Intern. Group, Inc., 2009 WL 5194431 (D.N.J. Dec. 23, 2009). The FDCPA is generally a strict liability statute and does not require proof of actual damages to support a claim.

Cavallaro v. Law Offices of Shapiro & Kriesman, 933 F. Supp. 1148 (E.D.N.Y. 1996). The FDCPA is a strict liability statute. Quotes *Russell v. Equifax A.R.S.*, 74 F.3d 30, 35 (2nd Cir. 1996); "[I]n the general context of consumer protection—of which the Fair Debt Collection Practices Act is a part—'it does not seem unfair to require that one who deliberately goes perilously chose to tan area of proscribed conduct shall take the risk that he may cross the line.'"

Deere v. Jvitch, Block & Rathbone L.L.P., 413 F. Supp. 2d 886 (S.D. Ohio 2006). "The Sixth Circuit has described the statute as 'extraordinarily broad' and its terms must be literally enforced."

Becker v. Montgomery, Lunch, 2003 WL 23335929 (N.D. Ohio Feb. 26, 2003). FDCPA is, for the most part, a strict liability statute.

Mushinsky v. Nelson, Watson & Assoc., L.L.C., 642 F. Supp. 2d 470 (E.D. Pa. 2009). FDCPA is a remedial statute and should be construed broadly.

Agueros v. Hudson & Kyse, L.L.C., 2010 WL 3418286 (Tex. App. Aug. 31, 2010). "The FDCPA is a strict liability statute, and only one violation of the FDCPA is necessary to establish civil liability."

Estrella v. G L Recovery Group, L.L.C., 2010 WL 679067 (C.D. Cal. Feb. 22, 2010). The consumer's allegation that the defendant violate § 1692b(2) by calling consumer's mother "on more than one occasion" and "communicating with Consumer's mother and stating that Consumer owes a debt" stated a claim for relief under the *Iqbal* standard without alleging any additional details.

Puttner v. Debt Consultants of Am., 2009 WL 1604570 (S.D. Cal. June 4, 2009). The complaint stated a claim for relief by alleging that the defendant's collectors called the consumer's parents without stating that they were confirming or correcting location information, disclosed the existence of the son's debt, and called the parents repeatedly so as to constitute harassment.

Bolton v. Pentagroup Fin. Servs., L.L.C., 2009 WL 734038 (E.D. Cal. Mar. 17, 2009). The defendant's threat to contact the consumer's employer/commanding officer could not have been a lawful attempt to acquire location information since the defendant was speaking to the consumer at the very time when the threat was made.

Deas v. American Recovery Sys., Inc., 2009 WL 3514560 (N.D. Miss. Oct. 29, 2009). Defendant violated § 1692b(3) by placing dozens of telephone calls to the plaintiff's home, purportedly attempting to locate a third party debtor, after plaintiff informed defendant that the debtor did not live at this residence and requested defendant to cease calling.

Pittman v. J.J. Mac Intyre Co., 238 F. Supp. 2d 1158 (N.D. Cal. 2002). The consumer stated a claim for violation of §§ 1692c(a)(1) and 1692d by alleging that notwithstanding warnings on prior occasions that she could not talk at work, the collection agency called the consumer at her place of employment to collect on the debt.

Yelvington v. Buckner, Clearinghouse No. 36,581 (N.D. Ga. 1984). The collector telephoning a consumer again, after being told that he was serving customers, violated § 1692c(a)(1).

Krapf v. Collectors Training Inst. Of Ill., Inc., 2010 WL 584020 (W.D.N.Y. Feb. 16, 2010). The consumer's allegation that the defendant called her before 8:00 a.m. sufficiently alleged a claim under §§ 1692c(a)(1) and 1692d.

United States v. Cent. Adjustment Bureau, Inc., 667 F. Supp. 370 (N.D. Tex. 1986). Collector violated the Act by making phone calls before 8:00 a.m. and after 9:00 p.m. Plaintiff was not required to prove those times were inconvenient since § 1692c(a)(1) requires the collector to assume those times are inconvenient.

Horkey v. J.V.D.B. & Assoc., Inc., 333 F.3d 769 (7th Cir. 2003). The consumer's statement that she could no talk at work and that she would return the call from her home was sufficient to place the collector on notice that the employer did not allow such collection calls.

Chiverton v. Fed. Fin. Group, Inc., 399 F. Supp. 2d 96 (D. Conn. 2005). The debt collector violated § 1692c(a)(1) and (3) by repeatedly calling after the consumer expressly requested the collector not to do so because he was not permitted to receive personal calls at work.

Jenkins v. Eastern Asset Mgmt., L.L.C., 2009 WL 2488029 (E.D. Mo. Aug. 12, 2009). On default, court awarded $1000 statutory damages, $2000 emotional distress damages, and $3250 fees and costs for multiple calls to place of employment threatening suit after being told plaintiff could not accept personal calls at work.

Kuhn v. Account Control Tech., Inc., 865 F. Supp. 1443 (D. Nev. 1994). Six calls placed to the consumer's employer within 24 minutes violated § 1692d(5).

O'Connor v. Check Rite, 973 F. Supp. 1010 (D. Colo. 1997). Where collector informed consumer's roommate that he was calling regarding the consumer's "bounced check" § 1692c(b) was violated.

Bishop v. I.C. Sys., Inc., 2010 WL 1924472 (M.D. Fla. May 12, 2010). Given that the consumer's letter to the debt collector stated "Any further correspondence from your organization or any other collection agency will be discarded or returned to you unopened," the court found that any jury would conclude that the letter that the debt collector stop contacting the consumers. "System's argument rest on the fact that Bishop's letter did not include the actual words of the statute and did not literally say, "Cease further communication." But while Bishop did not use those precise words, his words expressed the same message-just with more bite."

Ramirez v. Apex Fin. Mgmt., L.L.C., 567 F. Supp. 2d 1035 (N.D. Ill. 2008). The collector's § 1692c(c) violations committed over a seven-day period as it continued to contact the consumer while it processed the consumer's cease communication letter were not the result of bona fide error, since the collector provided an address to which the consumer mailed the letter that required forwarding and built-in internal procedures that delayed activation of the cease communication: "This is not a 'clerical error,' but a loose procedure that resulted in a seven day delay in processing and twenty-one collection calls to Plaintiff."

Johnson v. Equifax Risk Mgmt. Servs., 2004 WL 540459 (S.D.N.Y. Mar 17, 2004). A consumer's written demand to the collector that it verify the debt pursuant to § 1692g and otherwise cease all other communication effectively invoked the § 1692 c(c)'s cease communication remedy and did not improperly attempt to "have it both ways," and the collector's subsequent communications other than to provide verification, comprised of an additional dun and affidavits of forgery for the consumer to sign, violated § 1692c(c).

Lamb v. M & M Assoc., 1998 WL 34288694 (S.D. Ohio Sept. 1, 1998). Debt collector's continued collection efforts after receipt of consumer's letter stating that she would not pay until she received the requested breakdown did not violate § 1692c(c) because refusal was conditional.

Chalik v. Westport Recovery Corp., 677 F. Supp. 2d 1322 (S.D. Fla. 2009). The FDCPA does not guarantee a debt collector the right to leave answering machine messages; debt collectors have other methods to reach debtors including postal mail, in-person contact, and speaking directly by telephone.

Herbert v. Wexler & Wexler, 1995 WL 535107 (N.D. Ill. Sept. 5, 1995). The statement "You cannot even begin to know the trouble and expense that is about to come into your life over this matter as we intend to do whatever is necessary to compel you to pay this obligation" stated a cause of action for violation of § 1692d(2) as the unsophisticated consumer may construe the language as having the natural consequence to harass, oppress or abuse the debtor.

Hoffman v. Partners in Collections, Inc., 1993 WL 358158 (N.D. Ill. Sept. 14, 1993). Plaintiff was not required to identify in the complaint the particular abusive words alleged to violate § 1692d(2) in order to survive defendant's motion to dismiss.

McCollough v. Johnson, Rodenberg & Lauinger, 610 F. Supp. 2d 1247 (D. Mont. 2009). "The inescapable conclusion is that [the collection attorney] asked a *pro se* defendant to admit false information. He either did so knowingly, or neglected to review his minimal file before signing the requests. He served the requests with no ostensible reason to believe that the [consumer] defendant would understand their import. The requests for admission appear to be designed to conclusively establish each element of [the collection law firm's] case against [the consumer] and to use the power of the judicial process against a *pro se* defendant to collect a time-barred debt. This conduct is abusive, unfair and unconscionable."

Arroyo v. Solomon & Solomon, P.C. 2001 U.S. Dist. LEXIS 21908 (E.D.N.Y. Nov. 7, 2001). Student loan collector's insulting statement, if proven, that consumer who couldn't' afford $100 monthly payments should have thought about that when she entered a student loan, would violate § 1692d.

McNall v. Credit Bureau, 2008 WL 1881796 (D. Or. Apr. 18, 2008), Consumers stated a claim for relief for defendant's' violation of § 1692d when their agents, while attempting to serve process, stood at the entrance of the consumers' home and "in a very loud voice repeatedly yelled plaintiff's name…'come out of your house.' 'I have legal papers for you,' 'you need to come out and get these legal papers now,' 'you need to get your ass out here and open your gate now, ' 'I'm not leaving until you come out and open this gate.'"

Frew v. Van Ru Credit Corp., 2006 WL 2261624 (E.D. Pa. Aug. 7, 2006). The assertion that the "Defendant allegedly likened Plaintiff to a 'scumbag' "stated a claim for using an abusive collection practice prohibited by the FDCPA.

Meadows v. Franklin Collection Serv., Inc., 2011 WL 479997 (11th Cir. Feb. 11, 2011). The court reversed the lower court's entry of summary judgment for the collector on the § 1692d(5) claim. The collector called the plaintiff's (the parent of a debtor) residence over 300 times in a two and a half year period, sometimes up to three times a day, using mostly robocalls but also personal calls. In addition, the collector sought contact information regarding the plaintiff's adult daughter and another debtor who previously had the same telephone number. The court found that a reasonable jury could conclude that the collector caused the phone to ring with the intent to annoy or harass her in view of the volume and frequency of the calls, the fact that the plaintiff had informed the collector that she did not owe the debts, did not wish to share her daughter's contact information, asked that the calls stop, and stated the calls caused her emotional distress. The court found that the fact that telephone calls were not answered was no defense to the § 1692d(5) claim, since that provision specifically prohibits merely "causing a telephone to ring" with the requisite intent: "The statute itself recognizes that answering the phone is not necessary for there to be harassment. This makes good sense because a ringing telephone, even if screened and unanswered, can be harassing, especially if it rings on a consistent basis over a prolonged period of time and concerns debts that one does not owe."

Clarke v. Weltman, Wienberg & Reis, Co., L.P.A., 2010 WL 2803975 (S.D. Fla. July 15, 2010). A complaint alleging that over a two and a half month period twenty-six messages were left on the consumer's cell phone was sufficient under *Twombly* and *Iqbal* to constitute a violation of § 1692d even if they also constituted a violation of the TCPA. "Each element of the particular statutory claim must be met, regardless of whether the same facts support multiple claims."

Atchoo v. Redline Recovery Servs., L.L.C., 2010 WL 1416738 (W.D.N.Y. Apr. 5, 2010). The court found that it was not necessary in a claim under § 1692d(5) for the consumer to allege that the defendant made a certain number of phone calls. Also, there is no requirement under this section that the consumer answer the phone. Instead, it is enough that the defendant merely causes the phone to ring continuously with the intent to annoy, abuse, or harass.

Clark v. Quick Collect, Inc., 2005 WL 1586862 (D. Or. June 30, 2005). The court denied summary judgment to defendant where it had called multiple times without leaving messages. "Whether there is actionable harassment or annoyance turns on the volume of calls made and on the pattern of calls" within § 1692d.

Brown v. Hosto & Buchan, P.L.L.C., 2010 WL 4352932 (W.D. Tenn. Nov. 2, 2010). The court denied the motion to dismiss where the frequency of the debt collector's calls to the plaintiff's telephone and the manner in which the collector called the plaintiff's cellular phone using an automatic telephone dialing system could plausibly cause an unsophisticated consumer to feel harassed, oppressed, or abused.

Edward v. Niagara Credit Solutions, Inc., 584 F.3d 1350 (11th Cir. 2009). Telephone answering machine messages that asked the consumer to return calls from the defendant debt collector and that did not identify the caller as an employee or agent of a debt collection agency or state that the purpose was an attempt to collect a debt violated § 1692d(6)'s prohibition against placing telephone calls without making any meaningful disclosure of the identity of the caller.

Garo v. Global Credit & Collection Corp., 2011 WL 251450 (D. Ariz. Jan.26, 2011). "The fact that a debt collector may leave a message, in which the debt collector is otherwise unidentified, to contact the consumer at a phone number that had previously been contained in the debt collector's correspondence with the consumer is insufficient to identify the subsequent communication as being from a debt collector as is required by § 1692e(11). Further, such a request does not constitute 'meaningful disclosure of the caller's identity' as is required by 15 U.S.C. § 1692d(6)."

Costa v. Nat'l Action Fin. Servs., 634 F. Supp. 2d 1069 (E.D. Cal. 2009). Meaningful disclosure pursuant to § 1692d(6) requires that the caller state his or her name and capacity and disclose enough information so as not to mislead the recipient of the telephone message.

Valencia v. Affiliated Group, Inc., 2008 WL 4372895 (S.D. Fla. Sept. 24, 2008). The defendant did not provide meaningful disclosure of the caller's identity as required by § 1692d(6) when its collector left a voicemail with a call back number that only identified the caller's first name and the company that employed her, because "[c]ourts construing Section 1692d(6) have uniformly held that it requires a debt collector to disclose the caller's name, the debt collection company's name, and the nature of the debt collector's business."

Arslan v. Florida First Fed. Group, 1995 WL 731175 (M.D. Fla. Oct. 5, 1995). Using a set of aliases when telephoning violated § 1692d(6) by failing to make meaningful disclosure of the caller's identity.

Gilmore v. Account Mgmt., Inc., 2009 WL 2848278 (N.D. Ga. Apr. 27, 2009). Court accepted as true plaintiff's allegation that defendant left a series of prerecorded messages for plaintiff which did not state the name of the company placing the calls or that the communications were from a debt collector attempting to collect a debt and concluded that these communications violated § 1692d(6).

Hutton v. C.B. Accounts, Inc., 2010 WL 3021904 (C.D. Ill. Aug. 3, 2010). Where the caller did not identify her employer or mention that she was calling for debt-collections purposes, leaving a first name and telephone number did not meaningfully identify the debt collector.

Baker v. Allstate Fin. Servs, Inc., 554 F. Supp. 2d 945 (D. Minn. 2008). Complaint stated a cause of action by alleging that voicemails violated § 1692d by not disclosing the caller's name, the debt collection company's name, and the nature of the debt collector's business.

Knoll v. Intellirisk Mgmt., 2006 WL 2974190 (D. Minn. Oct. 16, 2006). Denied debt collector's motion to dismiss class action where debt collector used the false name, Jennifer Smith as the Caller ID finding a claim was stated under §§ 1692d, 1692e, 1692f.

Bice v. Merchants Adjustment Serv., Clearinghouse No. 41, 265 (S.D. Ala. 1985). The absence of obscenity is no basis to dismiss a claim under § 1692d since it is the province of the jury to determine if letters had the natural consequence of harassing, oppressing or abusing a susceptible consumer.