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Thirteen Recent FDCPA Decisions from U.S. Circuit Courts of Appeals

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By [Robert Hobbs](#)

Fair Debt Collection Practices Act litigation is one of the most active in the federal courts. This article lists 13 recent FDCPA Circuit Court of Appeals decisions. All of these decisions appear in the updated online version of NCLC's [Fair Debt Collection](#). This article summarizes these 13, with links to most of the cases, and also links to further discussion of these 13 cases in NCLC's [Fair Debt Collection](#). Clicking on "Highlight Updates" at the top of a page will highlight additions to the treatise since the print edition.

[Anarion Invs. L.L.C. v. Carrington Mortgage Servs., L.L.C.](#), 794 F.3d 568 (6th Cir. 2015) (LLC is a person who could bring action under the FDCPA), discussed at [§ 4.5.2](#) and [Appx. J.1.4](#).

[Beauvoir v. Israel](#), 794 F.3d 244 (2d Cir. 2015) (recovery of stolen natural gas usage is not recovery of a consumer debt), discussed at [§ 4.4.2.2](#), Appxs. [J.1.1.5.1.1](#), [J.1.1.5.2.3](#).

[Bentrud v. Bowman, Heintz, Boscia & Vician, P.C.](#), 794 F.3d 871 (7th Cir. 2015) (no FDCPA violation for prosecuting lawsuit despite demand for arbitration or for seeking interest assessed by creditor), discussed at §§ [5.5.4.3.4](#), [5.6.1](#), Appxs. [J.2.3.4.2](#), [J.2.5.1](#), [J.3.6.5](#).

[Davidson v. Capital One Bank \(USA\), N.A.](#), 797 F.3d 1309 (11th Cir. 2015) (Capital One Bank was not a covered debt collector where it acquired HSBC's credit card accounts, over \$1 billion of which were shown as delinquent or in default at the time of Capital One's acquisition; court contrasted this case with debt buyers who *are* covered debt collectors, because the latter are "in business to acquire seriously defaulted debt solely for collection purposes" and thus their "principal purpose is the collection of *any* debts"), discussed at §§ [4.2.4](#), [4.3.10.3](#), [J.1.2.1.2](#), [J.1.2.2.6](#), [J.1.2.3.1.1](#).

[Diaz v. Kubler Corp.](#), 785 F.3d 1326 (9th Cir. 2015) (adding statutory interest before a judgment not as a matter of law a FDCPA violation), discussed at [§ 5.6.3](#) and Appx. [J.2.5.2](#).

[Dimatteo v. Sweeney, Gallo, Reich & Bolz, LLP](#), 619 Fed. Appx. 7 (2d Cir. 2015) (FDCPA violation for seeking attorney fees not authorized by state law), discussed at [§ 5.6.3](#) and Appxs. [J.2.4.1.4](#), [J.2.5.2](#).

[*Evankavitch v. Green Tree Servicing, L.L.C.*](#), 793 F.3d 355 (10th Cir. 2015) (FDCPA violation for calling third parties more than once), discussed at [§ 5.3.6](#) and [Appx. J.2.1](#).

[*Gillie v. Law Office of Eric A. Jones, L.L.C.*](#), 785 F.3d 1091 (6th Cir. 2015) (In an opinion that will be reviewed by the Supreme Court, Sixth Circuit held that a jury could find it was deceptive for private collection attorneys to use the Ohio Attorney General's letterhead even though the Attorney General authorized the collector's use of his letterhead; no qualified immunity; harm need not be alleged;), discussed at §§ [4.3.4](#), [5.2.3](#), [5.5.2.4](#), [5.5.2.8](#), [5.5.2.13.1](#), [5.5.17](#), [7.4.5](#), Appxs [J.2.4.1.1](#), [J.2.4.1.2](#), [J.2.4.1.3](#), [J.2.4.13](#), [J.2.4.14](#), [J.2.4.18](#).

[*Hart v. FCI Lender Services, Inc.*](#), 797 F.3d 219 (2nd Cir. 2015) (mortgage servicer initial communication covered by the FDCPA; FDCPA liberally construed and no de minimus defense), discussed at §§ [4.2.3.5](#), [4.6.7](#), [5.2.4](#), [5.7.1](#), [5.7.2.6.1](#), Appxs. [J.1.2.1.4](#), [J.1.7.1](#), [J.2.6.1](#), [J.2.6.8](#).

[*Jensen v. Pressler & Pressler*](#), 791 F.3d 413 (3d Cir. 2015) (false statement must be material, subpoena not a document approved by a court), discussed at §§ [5.2.1](#), [5.5.2.8](#), [5.5.2.13.4](#), [5.5.12](#), Appxs. [J.2.4.1.1](#), [J.2.4.1.2](#), [J.2.4.13](#), [J.3.6.4](#).

[*Kaymark v. Bank of Am., N.A.*](#), 783 F.3d 168 (3d Cir. 2015) (foreclosure attorney's demand for attorney fees could violate certain but not other FDCPA provisions; FDCPA applies to pleadings), discussed at §§ [4.6.8](#), [5.2.4](#), [5.5.4.3.3](#), [5.5.8.6](#), [5.6.3](#), Appxs. [J.1.2.2.3.1](#), [J.1.5](#), [J.2.4.1.1](#), [J.2.4.3](#), [J.2.4.20](#).

[*Miljkovic v. Shafritz & Dinkin, P.A.*](#), 791 F.3d 1291 (11th Cir. 2015) (FDCPA applies to documents submitted to a court or to consumer's attorney), discussed at §§ [5.2.4](#), [5.5.8.6](#), [4.2.8.2](#), [5.5.2.5](#), Appxs. [J.1.7.1](#), [J.2.3.4.2](#), [J.2.5.9](#).

[*Wise v. Zwicker & Associates, P.C.*](#), 780 F.3d 710 (6th Cir. 2015) (mistakes of law actionable, no intent required, right to attorney collection fees required factual determination), discussed at §§ [5.2.3](#), [5.2.4](#), [5.5.4.3.3](#), [7.2.3](#), [7.4.6](#), Appxs. [J.1.7.1](#), [J.2.4.1.3](#), [J.2.4.10](#), [J.3.2](#), [J.3.6.1](#).