



News

Hinshaw Client Success: Harris & Harris Secures Industry-Favorable Decision in FDCPA "Overshadowing" Case

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ACA International recently reported on a significant win by Hinshaw client Harris & Harris, involving a ruling by the U.S. District Court for the Northern District of Illinois that is favorable to the debt collection industry. According to ACA, "as more confusion abounds from the many recent court decisions on overshadowing, this particular member victory is a breath of fresh air." Hinshaw attorneys David Schultz and Lindsey Conley represented Harris & Harris in the case.

At issue was whether the act of providing a payment option in both a letter and a voicemail to the debtor should be considered a demand for immediate payment that overshadowed the debtor's validation rights. The court found that since the letter did not demand the consumer pay the debt before the expiration of the validation period, it did not overshadow the validation notice. It further found that "without allegations that [the debt collector] did anything other than identify itself as a debt collector on the voicemail, [the consumer]'s speculative allegations about what the phone call intended are insufficient."

Schultz said he hoped the decision provides guidance and cover to debt collectors regarding overshadowing concerns. Ari Derman, Esq. General Counsel and Director of Legal Services at Harris & Harris, added that "H&H is always proud to represent the industry in impactful cases," and thanked Schultz and Conley for their "fantastic representation and guidance."

[Read the full story on the ACA International website](#)

[@ACAIntl](#) reports on a Hinshaw client success: Harris & Harris secures industry-favorable decision in FDCPA "overshadowing" case. <https://t.co/FPm9Ujplhr>— Hinshaw & Culbertson (@hinshaw) March 18, 2019

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