



News

Client Success: Target Corporation Secures Dismissal of FDCPA Case involving Attorney Involvement Disclaimer

July 23, 2019

Hinshaw clients Target Corporation ("Target") and TD Bank USA, N.A. along with debt collector law firm Forster & Garbius LLP recently secured a MTD win at the Eastern District of Wisconsin. At issue was a putative class action seeking damages for alleged violations of the Fair Debt Collections Act and the Wisconsin Consumer Act. Hinshaw's Ellen Silverman represented Target and TD Bank in case proceedings, with assistance from Alyssa Johnson and Ashley Brettingen.

The plaintiff had argued that a collection letter she received from Forster could mislead a least sophisticated consumer into thinking an attorney was involved in evaluating the debt and determining whether it was suitable for legal action. The court rejected this argument—finding the plaintiff's reading of the collection letter "idiosyncratic and frivolous"—and granted the defendants' motion to dismiss and denied plaintiff's motion for leave to amend the complaint.

The decision was written up by *insideARM* in a story titled "[E.D. Wis. Dismisses Case against Collection Firm](#)." It was highlighted as the "[ACA Daily Decision](#)" in the July 30, 2019 edition of ACA International's *ACA Daily* newsletter. The *Daily Digest*, published by [AccountsRecovery.net](#), also highlighted the case in its [July 31, 2019 edition](#).

The case is *Bencomo v. Forster & Garbus LLP*, et al. No 18-cv-1259 (E.D. Wis. 2019)

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