



News

Client Success: Afni Inc. Wins FDCPA Lawsuit Claiming Consumer Confusion Over Collection Letter Listing "Creditor" and "Original Creditor"

November 12, 2019

Hinshaw client Afni Inc. recently achieved a motion for judgment on the pleadings victory in a Fair Debt Collection Practices Act (FDCPA) lawsuit filed against it in Indiana federal court. As reported by *ACA International*, the plaintiff alleged that a dunning letter he received from Afni confused him as to which entity was the one to whom he owed the debt. Hinshaw attorneys Justin Penn and Whitney Goldin represented Afni in the case.

The plaintiff noted that the letter identified three entities (a servicer, the "original creditor", and the "creditor"). He argued that without an explanation about the relationship among the named entities and without an identification using the words "current creditor," the collection letter was confusing and did not clearly identify the entity to whom the debt was owed.

The court looked to the plain language of the letter, and explained:

The only reasonable interpretation of the collection letter is that "the name of the creditor to whom the debt is owed"—as required by 15 U.S.C. § 1692g(a)(2)—is Affirm Operational Loans III Trust. Although the letter does not use the phrase "current creditor," the letter identifies the original creditor as Cross River Bank and identifies the only other creditor as Affirm Operational Loans III Trust. The "basic logical deduction[] and inference[]" from the letter is that the only other listed creditor is the current creditor....The FDCPA does not require the explicit use of the phrase "current creditor." Afni's debt collection letter contains no internal contradictions or inconsistencies as to the debt owed or the creditor. Furthermore, the collection letter does not use other terms such as "client," "owner," "assignee," or "transferee" that could lead to confusion about the name of the creditor to whom the debt is owed.

Accordingly, the court granted Afni's motion for judgment on the pleadings.

[Read the full *ACA Daily* report](#)

The case is *Glass v. Afni, Inc.*, No. 18-cv-03990 (S.D. Ind. 2019)

"Collection Letter Listing both "Creditor" and "Original Creditor" Did Not Violate FDCPA" was published in the *ACA Daily*, November 1, 2019.

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