



## News

### Lauren Campisi Analyzes in ARM Compliance Digest: Judge Grants MSJ For Agency in FCRA, FDCPA Case Over Disputed Debt

July 23, 2021

In the July 19, 2021 edition of the *ARM Compliance Digest*, Hinshaw partner Lauren Campisi discusses a District Court decision to grant a defendant's motion for summary judgment on all claims in a Fair Credit Reporting Act and Fair Debt Collection Practices Act case after it was accused by the plaintiff of not properly investigating a disputed debt because the plaintiff did not do his part in submitting documents to substantiate his claim that he was the victim of identity theft:

In *Ingram v. Experian Information Solutions, Inc., et al.*, the Eastern District of Pennsylvania granted summary judgment in favor of the collection agency dismissing the plaintiff's Fair Credit Reporting Act (FCRA) and Fair Debt Collection Practices Act (FDCPA) claims. The FCRA and FDCPA allegations stemmed from a letter sent to the creditor-furnisher generally disputing the accuracy of the information furnished to credit reporting agencies without specific information regarding the basis of the dispute other than to state that it was not the consumer's account. The creditor-furnisher requested that the consumer provide an identity theft affidavit, police or incident report and additional information, to which the consumer did not respond. Subsequently the account was referred to a collection agency, which attempted to collect the amounts owed under the account. The plaintiff also submitted indirect disputes through the credit reporting agencies. The plaintiff asserted FCRA and FDCPA claims against the collection agency. The court ultimately concluded the plaintiff failed to raise a bona fide dispute that would trigger an obligation to conduct a reasonable investigation or to report the account as disputed. The court also dismissed the FDCPA claims, finding no misrepresentation, false, misleading or deceptive means of collection activity when the plaintiff had no direct communication with the defendant. This case sheds light on the triggers of the obligations to report accounts as disputed and to conduct reasonable investigations and is helpful to collection agencies defending FCRA claims, particularly those based on generic dispute letters. That said, we recommend careful consideration of guidance and interpretation from the CFPB to mitigate potential risks of alleged noncompliance.

#### Attorneys

Lauren Campisi

#### Service Areas

Consumer and Class Action  
Defense

Consumer Financial Services

Fair Credit Reporting Act

Regulatory and Compliance  
Counseling

#### Offices

New Orleans



[Read the full July 19, 2021 edition of the AccountsRecovery.net Compliance Digest.](#)