



News

David Schultz Analyzes in ARM Compliance Digest: Judge Dismisses FDCPA Case Over Inadvertent Voicemail For Lack of Standing

November 1, 2021

In the November 1, 2021 edition of the *ARM Compliance Digest*, Hinshaw partner David Schultz reports on a case in which a debt collector was sued for violating the Fair Debt Collection Practices Act by inadvertently leaving a voicemail that lasted for a few seconds:

When we discuss “ticky tacky” FDCPA cases it usually is in the context of a letter case. *Santiago v Hunter Warfield* is an exception, involving a four or five second errant voice message. The judge held that there was no Article III injury in fact for a collector that mistakenly hummed a couple words from a song while not realizing a message was being left. Interestingly, the judge tersely added that even if there was an injury, he would grant summary judgment for the collector because there was no violation and based on the bona fide error defense.

It is a bit hard to believe that the errant message drew a 1692d, e and f lawsuit. Fortunately, this is another good example of a court applying a common sense approach and dismissing a case based on weak facts.

[Read the full November 1, 2021 edition of the AccountsRecovery.net Compliance Digest.](#)

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