



## News

### David Schultz Analyzes in ARM Compliance Digest: Judge Grants Motion to Dismiss in FDCPA Case Over Lack of License

January 19, 2023

In the January 16, 2023 edition of the *ARM Compliance Digest*, Hinshaw partner David Schultz discussed lessons learned from a New Jersey District Court judge's decision to grant a defendant's motion to dismiss a Fair Debt Collections Practice Act (FDCPA) case because there was no Article III injury. Schultz stated:

In a case that had been pending for over two years, the court dismissed it because there was no Article III injury in fact. *Valentine v Unifund*. This seems to be a weekly, or even more common, occurrence. In this instance, plaintiff claimed the collector (DAP III) was not properly licensed. In response to the motion to dismiss, plaintiff claimed standing/injury for receiving a "misleading" collection letter, asserting that it was sufficient to be deprived of truthful, non-misleading information. The court disagreed, ruling that it was insufficient to establish a concrete injury, absent some action or inaction taken in response or other form of injury. The court further noted that plaintiff does not allege she experienced any consequence or adverse effect due to the letter, or that she took any action or inaction based on it.

The battle is not over yet. Plaintiff can try to amend (which seems futile) or go to state court and see if she gets a better reception. The defendant surely will be ready for either action.

[Read the full January 16, 2023 edition of the AccountsRecovery.net Compliance Digest.](#)

"Judge Grants MTD in FDCPA Case Over Lack of License," *ARM Compliance Digest*, January 16, 2023.

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