



News

Trial Spotlight: Hinshaw Prevails on the Merits in Rare FDCPA Hunstein Class Action Case

July 25, 2023

In a case defended by Hinshaw partners Justin Penn and David Schultz, an Illinois state court judge granted their motion for judgment on the pleadings in a Fair Debt Collection Practices Act (FDCPA) Hunstein class action case. The suit claimed that the use by Hinshaw's client of a third-party vendor to print and mail communications violated Section 1692a(3) of the FDCPA. Obtaining a ruling on the merits in this type of case has been exceedingly difficult for accounts receivable defendants.

In *Quaglia v. SN Servicing, McCalla Raymer Leibert Pierce*, the Circuit Court of Cook County ruled that the communication between the defendants and their letter vendor were not an attempt to collect a debt and therefore not within the purpose of the FDCPA.

In her analysis, Judge Clair Quish stated, "Even construing the facts in a light most favorable to Plaintiff, it is clear that SN and McCalla's communication to the letter vendor was not, itself, an attempt to collect the debt and thus, was not made in connection with the collection of a debt."

The case received media coverage, including the following articles:

"Ill. State Court Judge Issues Ruling on Merits in Granting MJOP for Defendant in Hunstein Class Action," *AccountsRecovery.net*, July 5, 2023.

"Quaglia v. SN Servicing: Illinois State Court Tosses Hunstein Claims," *ACA International*, July 6, 2023.

"SN SERVICING: Obtains Favorable Ruling in FDCPA Class Action," *Class Action Reporter*, September 12, 2023

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