



## News

### David Schultz Analyzes in ARM Compliance Digest: Oklahoma District Court Judge Dismisses Class-Action Component of FDCPA Suit

October 23, 2024

In the October 21, 2024, issue of the *ARM Compliance Digest*, Hinshaw partner David Schultz authored a column reviewing an Oklahoma District Court's ruling in an alleged ineffective service in a collection lawsuit, with the plaintiff filing multiple counts under the FDCPA and seeking class action certification. While the court denied the defendant's motion to dismiss the plaintiff's individual claims regarding improper service, it did address the defendant's challenge to the flawed class definition.

Schultz writes:

The plaintiff in *Downs v Robinson Hoover and Fudge, PLLC* ("RHF") claimed that there was ineffective ("sewer service") in a collection lawsuit that resulted in a default judgment. She asserted multiple FDCPA counts and sought to certify a class. RHF filed a R. 12(b)(6) motion. The court denied the motion as to plaintiff's individual claims relating to the supposed improper service.

The more interesting part of the opinion has to do with the class aspect. RHF moved to dismiss the class claim, contending that the definition was flawed in numerous ways. The court discussed how there is uncertainty on what rules and standards apply when facing a challenge to a class definition at the early pleading stage. It ultimately side steps some of these procedural issues, determining that the class definition contained a few fundamental flaws.

It is unusual to move to dismiss a class claim with the initial responsive pleading. This is a helpful ruling that gives support and some guidance on how to make an early challenge to a flawed class definition.

Read the full October 21, 2024 edition of the [AccountsRecovery.net Compliance Digest](#).

- "Oklahoma District Court Judge Dismisses Class-Action Component of FDCPA Suit" was published by *ARM Compliance Digest* on October 21, 2024.

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#### Service Areas

Consumer and Class Action  
Defense

Consumer Financial Services