

**Teleconference Aug. 8 2014**

**FDCPA outside of bankruptcy**

**1. Growing field of practice**

**Grounds –**

- **Contacting debtor who has legal counsel**
- **Not mentioning that the statute of limitations has expired**
- **Threatening law suit if not serious**
- **Harassing phone calls –odd hours – volume of calls**
- **False advertising**

**My case – 10 successive debt collectors**

**2. Federal and state FDCPA**

**3. Other statutes**

**i. Telephone Consumer Protection Act (but may not apply to FDCPA cases - *Roy v. Dell Financial Services – PA court*).**

**Hammond case – 148 calls**

**ii. State prohibited practices statutes**

**2. Are they profitable?**

**A. Federal act damages**

- **limited to \$1,000 punitive per violation**
- **atty fees**
- **actual damages (mental distress)**

**B. State statutes may be better**

- **but see California's – mimics federal**

**C. Class action suits provide \$500,000**

**3. Bankruptcy context – Nick Gebelt (doing book on ch 13)**

- **Damages may be better – Hammond N.D. Texas June 2014**