

# FDCPA Claim: District Court Grants Summary Judgment in Favor of Creditor

July 15, 2024

On June 14, 2024, in [\*Smitherman v. Midland Credit Mgmt. Inc.\*](#), the United States District Court for the Western Division of Missouri granted summary judgment for a creditor on a plaintiff's claim under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.*, finding that the Plaintiff lacked standing to assert her claim and ruling that the creditor's alleged conduct did not violate the FDCPA.

## Factual Background

In January 2022, the creditor purchased three of the Plaintiff's accounts, each having an outstanding debt. The creditor sent collection letters to the Plaintiff in January and February 2022. In mid-February 2023, Plaintiff's counsel mailed three response letters, each stating, in part, that the Plaintiff "dispute[d] th[e] debt. Do not contact [Plaintiff] about th[e] debt. This is not a request for validation." In turn, on February 24, 2023, the creditor mailed the Plaintiff three response letters that validated each account's debt and stated that the creditor would not contact the Plaintiff about the accounts unless required by law or the Plaintiff requested communications. Notably, each of the creditor's letters included a debt collection disclaimer.

On March 22, 2023, the Plaintiff mailed a single letter to the creditor wherein she ordered that the creditor cease all contact. The following day, she filed a single count FDCPA action against the creditor and alleged monetary damages for the cost of the stamp to mail the March 2023 letter as well as emotional distress damages.

## The Court Rules in Favor of the Creditor

At the outset, the court found that the Plaintiff lacked standing on her FDCPA claim. The court reasoned that the Plaintiff's mailing of the March 2023 letter was a poor attempt to "manufacture standing," given the creditor's February 24, 2023 letters that said it would cease contact with the Plaintiff. Accordingly, the court stated that the Plaintiff's March 2023 letter to the creditor was "entirely unnecessary." Further, the court held that the Plaintiff's alleged emotional distress damages were insufficient to establish a concrete injury and did not amount to a "legally cognizable injury."

Despite its decision on standing, the court still evaluated the Plaintiff's FDCPA claim. The court found that by including language in her February 2023 letter that "invited" the creditor to confirm the amounts owed on the accounts, the Plaintiff could not claim that the creditor's debt validation was uninvited or unwarranted. The

court reasoned that the creditor's response to the Plaintiff's request was valid and that it was the Plaintiff, and not the creditor, who had contacted the creditor in March 2023. Further, the court reasoned that the boilerplate "mini *Miranda*" disclaimer language included in the creditor's February 24, 2023 letters did not "automatically trigger the protections of the FDCPA."

## Impact on Creditors

This decision emphasizes the importance standing has on a plaintiff's claims in federal court on not only FDCPA claims, but also in claims involving the Fair Credit Reporting Act (FCRA). Creditors and debt collectors should be mindful of whether a plaintiff's alleged damages actually constitute a legally cognizable injury that would provide that plaintiff standing in federal court.

## Subscribe for Updates

Subscribe to receive emails from us regarding timely legal developments and events in your areas of interest.

[sign up + subscribe >](#)

## Related people

Marisa Roman