No. 17-736

IN THE
# Supreme Court of the United States

BLATT, HASENMILLER, LEIBSKER & MOORE, LLC,
*Petitioner,*

v.

RONALD OLIVA,
*Respondent.*

On Petition for Writ of Certiorari to the United States Court of Appeals for the Seventh Circuit

**BRIEF OF PORTFOLIO RECOVERY ASSOCIATES, LLC AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER**


Benjamin L. Hatch
*Counsel of Record*
E. Rebecca Gantt
MCGUIREWOODS LLP
2001 K Street N.W.
Suite 400
Washington, DC 20006-1040
(202) 857-1727
*bhatch@mcguirewoods.com*

## TABLE OF CONTENTS

**TABLE OF CONTENTS**
(continued)

## TABLE OF AUTHORITIES

Page(s)

Cases

**Statutes**

**Other Authorities**

## INTEREST OF *AMICUS CURIAE*[1]

Portfolio Recovery Associates, LLC ("PRA"), is a purchaser of defaulted consumer debt based in Norfolk, Virginia. It is a subsidiary of PRA Group, Inc., a publicly traded company that is one of the top five debt buyers in the United States. PRA employs over 3,500 individuals. It purchases debt from banks and other entities, thus performing a vital role in our economy by returning millions of dollars that would otherwise be a loss for the entities that originally extended the credit to debtors. PRA has a robust compliance program and prides itself in treating debtors with respect.

The questions presented in this case are of great importance to PRA. PRA operates in all fifty states and relies on the decisions of the Courts of Appeals on a daily basis. The practical significance of this reliance has been demonstrated in this case: PRA has had over twenty suits filed against it in a single district court arising from the same series of Seventh Circuit decisions that gave rise to this case. *See* Appendix A.

---

[1] Counsel of record for both parties received timely notice of the intent to file this brief. *See* Sup. Ct. R. 37. Counsel for both parties have consented to the filing of this brief, and their consents have been filed with this Court. No counsel of record in this Court for either party authored this brief in whole or in part, and neither party nor their counsel made any monetary contribution intended to fund this brief's preparation or submission. McGuireWoods LLP, the undersigned counsel for *amicus*, represented the Petitioner in this case in the Court of Appeals and the District Court and remains counsel of record in those courts.

## SUMMARY OF ARGUMENT

When it enacted the Fair Debt Collection Practices Act ("FDCPA"), Congress' stated intent was to deter abusive practices by debt collectors and protect debt collectors who act ethically. In the decision below, the Seventh Circuit read the statute in a way that serves neither purpose. It held instead that a debt collector is liable under the FDCPA for following existing and binding circuit precedent. This holding deters nothing but compliance, and it should be reversed.

In *Jerman v. Carlisle, McNellie, Rini, Kramer & Ulrich L.P.A.*, 559 U.S. 573, 579 (2010), this Court held that the FDCPA's bona fide error defense does not apply where the debt collector sought to rely on an interpretation of the FDCPA on which courts were divided and as to which the applicable Court of Appeals had not rendered a decision. *Jerman* should not be extended to prohibit a debt collector from the protection of the bona fide error defense where it acted in accordance with settled, binding Circuit precedent that was subsequently overruled.

In *Jerman*, Justice Breyer concurred separately and said his decision to join that result was based on an expectation that the relevant agency would provide the industry with more guidance. 559 U.S. at 605. Justice Breyer's expectation has not been fulfilled. Not only have the agencies provided scant guidance in the intervening years, but the Seventh Circuit's decision would rip from the debt collection industry its *primary* source of guidance: binding Circuit law. The Courts of Appeals have historically generated more precedential decisions than the agencies have provided guidance. Of course, it is undisputed that a court can sometimes change its mind, but it is both inequitable and contrary to purpose of the FDCPA that the consequence of that change is that a debt collector is sued for past conduct that followed existing law.

The issue presented in this case is of vital importance and merits this Court's review. *First*, the ability to rely on binding precedent of the Courts of Appeals is indispensable for an entity like PRA that operates in an industry where nearly every communication it has with a debtor, no matter how minor, occurs against the backdrop of the FDCPA. FDCPA litigation occupies a significant percentage of the dockets of the district courts across the country. Though uncertainty often arises as to the meaning of the FDCPA's provisions, the CFPB has provided very little guidance to the industry, issuing only one advisory opinion and failing to finalize any notice and comment rulemaking. The Seventh Circuit eliminates the reliability of Circuit Court decisions as something a debt collector can comply with and know it will be safe from suit. In an area of the law where certainty is badly needed, the Seventh Circuit has moved the law in the opposite direction.

*Second*, the Seventh Circuit failed to appreciate the real costs of its decision. To mitigate the inequity of its holding, it noted that damages would likely be minimal or inappropriate altogether in a case like this one. But even so, the FDCPA provides for fee-shifting, and district courts often enter an award of attorney's fees that is tens or hundreds times a small damages award.

This lawsuit is one of over 140 filed against debt collectors in a single district court after the Seventh Circuit overruled itself regarding the meaning of the FDCPA's venue provision. Though the venue provision decisions implicate only two counties in the Seventh Circuit, a decision interpreting one of the FDCPA's more generally applicable provisions could have an exponentially greater impact. That this case arises from the Seventh Circuit also makes it of particular importance for the debt collection industry: the district court where this suit arose has had the most FDCPA cases of any other district for every month in the past two years.

The Seventh Circuit's decision was wrong, for at least three reasons. *First*, the decision below fails to reconcile the FDCPA's safe harbor provision, which gives a debt collector a defense when it complies with an agency advisory opinion, *even if* such advisory opinion is overruled by judicial precedent. This provision thus acknowledges that judicial opinions control over agency advisory opinions, yet the Seventh Circuit would protect a debt collector who complies with an advisory opinion but not one who complies with a judicial opinion.

*Second*, the Seventh Circuit failed to read the bona fide error defense in a manner that complies with due process. To be liable for damages that serve a punitive rather than remedial function, and thus amount to a penalty, a debt collector must have fair notice of what the law requires. No such notice exists where a debt collector complies with binding precedent.

*Third*, its reading of the bona fide error defense fails to effectuate the purposes of the FDCPA because it penalizes ethical conduct. The Seventh Circuit termed its own prior precedent as only the mere opinions of "lawyers . . . with judicial commissions." Pet. App. 15a. But both within and beyond the contours of the FDCPA, precedent of the Courts of Appeals is vitally important. Practically, pursuant to the FDCPA debt collectors must comply with such precedent unless and until the moment it is overruled. Any good corporate compliance program would be based on existing and binding precedent, and by discounting such precedent the Seventh Circuit discounts the value of such compliance efforts. More generally, by signaling that reliance on such precedent is no shield from an FDCPA suit, the Seventh Circuit undercuts the rule of law.

The decision below upsets the balance Congress created when it enacted the FDCPA, it penalizes compliance, and it undermines the rule of law. This Court should grant certiorari to resolve this important question of statutory interpretation.

## ARGUMENT

### I. The Seventh Circuit erroneously read the bona fide error defense to punish reliance on binding circuit precedent.

The decision below is erroneous and should be reversed. *First*, the Seventh Circuit's interpretation of the bona fide error defense is inconsistent with the statute's neighboring safe harbor provision. *Second*, the Seventh Circuit ignored the background principle of law that it is unconstitutional, or at least counterproductive, to punish entities for complying with the law at the time they acted. *Third*, contrary to Congressional intent, the decision penalizes ethical debt collectors and deters compliance, undermining corporate compliance efforts and the rule of law.

### A. The decision below misreads the bona fide error defense to elevate agency advisory opinions over opinions of the Courts of Appeals.

The Seventh Circuit failed to "interpret the statute 'as a symmetrical and coherent regulatory scheme,'" and to "fit, if possible, all parts into a harmonious whole." *FDA v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000) (citations omitted). The same section of the FDCPA that contains the bona fide error defense also states that no liability shall be imposed for acts "in conformity with any advisory opinion of the [Consumer Financial Protection] Bureau, *notwithstanding that after such act or omission has occurred, such opinion is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.*" 15 U.S.C. § 1692k(e) (emphasis added). *Jerman* commented on the first half of this provision, noting that there would be little reason for debt collectors to pursue an advisory opinion if the bona fide error defense "were read to offer immunity for good-faith reliance on advice from private counsel." 559 U.S. at 588. Because the debt collector in *Jerman* was not relying on a precedential decision by a Court of Appeals, the Court had little occasion to consider the second half of this provision.

The Seventh Circuit's reading creates unnecessary conflict between the safe harbor provision and the bona fide error defense. Section 1692k(e) plainly reflects the fundamental principle that judicial decisions control over agency guidance. The Seventh Circuit's decision, however, reflects the opposite. Under its reading of the FDCPA, a debt collector who relies on binding circuit precedent that is subsequently overruled by an *en banc* Court of Appeals decision or by this Court is liable for an FDCPA violation and has no defense, while a debt collector who relies on a CFPB advisory opinion that is subsequently overruled by a judicial decision has a valid defense. The notion that agency advice trumps binding Circuit precedent is an absurd result that Congress could not have intended. *Griffin v. Oceanic Contractors, Inc.*, 458 U.S. 564, 575 (1982) (courts should interpret statutes to avoid absurd results). That the judiciary, and not the executive, has supremacy in determining in the meaning of a statute is a longstanding principle against which Congress is sure to have legislated. *Mississippi ex rel. Hood v. AU Optronics Corp.*, 571 U.S. ___, 134 S. Ct. 736, 742 (2014) ("[W]e presume that 'Congress is aware of existing law when it passes legislation.'" (citation omitted)).

The Seventh Circuit's decision not only contravenes the congressional intent expressed in Section 1692k(e), but it also contradicts the agency's own assumptions about the respective roles of agencies and courts in the context of the FDCPA. As Justice Breyer noted in his concurrence in *Jerman*, the FTC will not issue advisory opinions where there is "clear . . . court precedent." *Jerman*, 559 U.S. at 606 (Breyer, J., concurring) (citing 16 C.F.R. § 1.1).[2] A debt collector like Blatt could therefore not even have had recourse to an FTC advisory opinion if it thought that the binding precedent where it acted had the potential to be overruled. In sum, there is no apparent reason why Congress would have seen fit to absolve entities relying on agency advisory opinions and not those relying on binding circuit precedent, particularly when those advisory opinions generally carry little legal weight. *Rosenau* v. *Unifund Corp.*, 539 F.3d 218, 225 (3d Cir. 2008) ("[T]he FTC's advisory opinions are not entitled to deference in FDCPA cases except perhaps to the extent that their logic is persuasive." (citation omitted)).

**B. This Court has recognized that it is unconstitutional and counter-productive to punish defendants that did not violate clear law at the time they acted.**

In interpreting statutes, courts generally presume that Congress operates against the background principles of the common law and long standing judicial precedent. *Lozano v. Alvarez*, 572 U.S. ___, 134 S. Ct. 1224, 1232 (2014) (referencing "the understanding that Congress 'legislates against a background of common-law adjudicatory principles'" (citation omitted)). For instance, in numerous areas

---

[2] At the time of *Jerman* and until 2011, the FTC was the agency tasked with issuing the advisory opinions referenced in Section 1692k(e). Dodd-Frank Wall Street Reform and Consumer Protection Act, Pub. L. No. 11-203, § 1089, 124 Stat. 1376, 2092-93 (2010) (amending the Fair Debt Collection Practices Act, 15 U.S.C. §§ 1692-1692p).

of the law courts have recognized that parties should not be affirmatively punished when they accurately rely on clear and binding law at the time they acted. The FDCPA's bona fide error defense should be read in a manner that accords with this longstanding principle.

*First*, in the context of civil fines or penalties, the Court has held that it violates due process to impose such penalties without fair notice of what the law requires. The Petition explains, for example, that in *FCC v. Fox Television Stations, Inc.*, 567 U.S. 239 (2012), the Court held that a "punishment fails to comply with due process if the statute or regulation under which it is obtained 'fails to provide a person of ordinary intelligence fair notice of what is prohibited.'" *Id.* at 253 (citation omitted). It thus held that it violated due process for the FCC to impose a civil fine or forfeiture penalty where the governing legal standards "gave no notice" as to the illegality of the conduct at issue. *Id.* at 254.

The Court has not confined this limitation to the government enforcement context but has also applied it to civil damages awards that effectively constitute penalties. In *BMW of North America, Inc. v. Gore*, 517 U.S. 559 (1996), the Court held that a civil defendant must have fair notice in the context of a jury's punitive damages award. "Elementary notions of fairness enshrined in our constitutional jurisprudence dictate that a person receive fair notice . . . of the conduct that will subject him to punishment." *Id.* at 574. It reasoned that this "basic protection against 'judgments without notice' afforded by the Due Process Clause . . . is implicated by civil *penalties*." *Id.* at 574 & n.22.

In a FDCPA case, a prevailing debtor may be awarded statutory damages and actual damages. 15 U.S.C. § 1692k(a). Indeed, in this case, likely only the former would be potentially available, as Respondent freely admitted that the courthouse where Petitioner filed suit was in fact "a more convenient forum for him," and stated that the claimed FDCPA violation "only matters to me because it matters to my lawyer." Pet. App. 53a, 55a. Because the FDCPA's statutory damages are available *in addition to* actual damages, they serve a punitive rather than a remedial function, and may be classified as a civil penalty. *See Huntington v. Attrill*, 146 U.S. 657, 666-67 (1892) (describing a penalty as "liability to which the law subjects a wrongdoer in favor of the person wronged, not limited to the damages suffered"). Accordingly, this Court has described the multiplication of actual damages in the Truth and Lending Act as a "civil penalty." *Mourning v. Family Publications Serv., Inc.*, 411 U.S. 356, 375-76 (1973).

The imposition of statutory damages on a defendant who, like Petitioner, had no notice that their conduct was wrong because they were complying with clear and undisputed circuit precedent violates due process. The bona fide error defense should be read to eliminate this unconstitutional result. *Jerman* based its reading of the bona fide error defense on the "common maxim, familiar to all minds, that ignorance of the law will not excuse any person, criminally or civilly." 559 U.S. at 582 (quoting *Barlow v. United*

*States*, 32 U.S. 404, 411 (1833); *see also* 559 U.S. at 608 (Scalia, J. concurring in the judgment).

But that just demonstrates why an exception to the rule of *Jerman* is appropriate in a circumstance where the defense asserted is not ignorance of the law but *reliance* on the law. The notion that ignorance of the law is no defense—which this Court most often applies in the context of the criminal law—does not bar the defense of affirmative reliance on a legal opinion. Thus, criminal law has both the maxim that *ignorance* of the law is no defense but *advice of counsel* is a defense. *E.g.*, *United States v. Beech-Nut Nutrition Corp.*, 871 F.2d 1181, 1194 (2d Cir. 1989). Counsel is unaware of any case—*Jerman* included—where this Court applied the principle that the ignorance of the law is no excuse when a defendant was relying on clear and binding precedent. Instead, the maxim has principally operated where a criminal defendant claims that they were not subjectively aware of the applicable legal requirement—an entirely different scenario from the one here where the defendant accurately understands and complies with binding circuit precedent. *See, e.g.*, *Cheek v. United States*, 498 U.S. 192, 199 (1991); *United States v. Int'l Minerals & Chem. Corp.*, 402 U.S. 558, 563 (1971).

*Second*, under the qualified immunity doctrine the Court has also refused to punish government actors in the civil context who comply with binding precedent. Qualified immunity applies to bar liability unless a government official is acting in violation of clearly established legal rules that existed at the time, and thus includes everything from an officer acting in an area where the law is unsettled to an officer acting pursuant to clear and binding law at the time, as occurred here. *Pearson v. Callahan*, 555 U.S. 223, 243-44 (2009). *Jerman* rejected a qualified immunity-type defense in the former category, where debt collectors rely on "aggressive but mistaken interpretations of the law" from private counsel. 559 U.S. at 602. But *Jerman* did not reject the type of defense that Petitioner asserts.

The claim here is not that a qualified immunity defense should be recognized in this context. Rather, the claim is that the same principles that motivate the qualified immunity defense are reflected in the statutory defense Congress created in the FDCPA. There is no need to graft the doctrine of qualified immunity into this context because Congress already provided a statutory defense on which Petitioner relies. *Jerman* held that statutory defense is not necessarily as broad as the qualified immunity defense, but that does not mean it has no reach at all. While government officials need protection from civil suits in cases of reasonable debate as to what the law requires, here there is no debate that the law approved Petitioner's action at that time and that statutory defense offers safe harbor for such mistakes.

*Jerman* can incentivize compliance programs that will have a positive deterrent effect, but the Seventh Circuit's rule only complicates such efforts and makes them less effective and less valuable. *Infra* Pt. I.C. When a given sanction or punishment has a large deterrent function, as do the FDCPA's attorney's fees and statutory damages, punishing compliance with binding appellate precedent makes little sense. As this Court has noted in applying a "good faith" exception to the exclusionary rule where police officers relied on binding appellate precedent that was subsequently overruled, there is no deterrent function in "penaliz[ing] the officer for the appellate judges' error. About all that exclusion would deter in this case is conscientious police work." *Davis v. United States*, 564 U.S. 229, 241 (2011). So too here: all the Seventh Circuit's decision deters is compliance with the law.

### C. The Seventh Circuit's decision disincentivizes compliance efforts of ethical debt collectors, undermining the balance Congress struck in the FDCPA.

Courts interpreting the FDCPA should strive to incentivize compliant debt collectors who follow the law. In enacting the FDCPA, Congress recognized that the debt collection industry is legitimate and important, and it balanced deterring unlawful practices with incentivizing lawful ones. The declared purposes of the statute are both "to eliminate abusive debt collection practices" and "to insure that those debt collectors who refrain from using abusive debt collection practices are not competitively disadvantaged." 15 U.S.C. § 1692(e). The Seventh Circuit's decision effectuates neither of these purposes, and instead only deters and discourages conscientious compliance efforts by debt collectors.

To deter and curb improper practices by debt collectors, Congress created provisions like the allowances for statutory damages awards and fee-shifting. 15 U.S.C. § 1692k. The bona fide error defense is an essential component of the other side of the balance Congress struck.[3] To effectuate the expressed purpose of incentivizing debt collectors who refrain from abusive practices, the bona fide error defense should apply when an FDCPA violation resulted not from a choice to do wrong or to skirt the law but from a mistake that occurred despite adequate safeguards. It therefore should protect debt collectors who, like Petitioner, can show that they acted in compliance with binding circuit precedent. In such a scenario, as even the Seventh Circuit acknowledged, "if any mistaken interpretations of the Act were made in good faith, it was in cases like this." Pet. App. 14a.

In *Jerman*, this Court recognized the statute's twin purposes, emphasizing the importance of incentivizing debt collectors to comply with the FDCPA. It rejected a reading of the bona fide error defense that would allow debt collectors to rely on their own attorneys' reading of the law because that would not effectuate Congressional intent. For example, the Court expressed reluctance to "give a competitive advantage to debt collectors who press the boundaries of lawful conduct." 559 U.S. at 602. Here, the Petitioner did not press such boundaries but instead acted well within them by following undisputed and binding circuit precedent existing at the time. This is hardly the sort of conduct that Congress could have deemed "abusive."

---

[3] The defense only applies where the debt collector has maintained procedures designed to avoid the error that occurred, highlighting the deterrence function Congress designed it to serve. 15 U.S.C. § 1692k(c).

While law professors may debate whether the Seventh Circuit was correct to reject the premise that "a judicial decision is 'the law,'" Pet. App. 14a, such debates have little value in the world of business and compliance. For practical purposes, debt collectors operating in the Seventh Circuit must comply with the Seventh Circuit's existing interpretation of the FDCPA. The cornerstone of any corporate compliance program is ascertaining the content and requirements of the law. While courts must decide complex questions of whether to make their decisions retroactive, business participants have little choice but to comply with the extant law.

The decision below throws such efforts into doubt by telling debt collectors that they should be careful in choosing to rely on the decisions of the Courts of Appeals, for if such decisions are overruled their prior reliance will be punished. If debt collection companies like PRA cannot trust the results of a robust compliance program, that marginally discounts the value of investing in such programs and casts a shadow over the recommendations of such programs.

Though the Seventh Circuit characterized its own prior decision regarding the FDCPA's venue provision as merely an opinion of "lawyers . . . with judicial commissions," Pet. App. 15a, our legal system nonetheless treats the decisions of the Courts of Appeals as carrying the force of law and binding on the litigants before them. It is difficult to believe that Congress enacted the FDCPA to deter debt collectors from complying with existing binding precedent from the Courts of Appeals.

More generally, the Seventh Circuit's decision undermines the rule of law and presumption of regularity of judicial decisions which our legal system is based on. "Adherence to precedent promotes stability, predictability, and respect for judicial authority." *Hilton v. S.C. Pub. Rys. Comm'n*, 502 U.S. 197, 202 (1991) (citing *Vasquez v. Hillery*, 474 U.S. 254, 265-55 (1986)). *See also Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833, 854 (1992) ("[A] respect for precedent is, by definition, indispensable" to "the rule of law"). The Seventh Circuit instead teaches the debt collection industry that it should be penalized for following the law and for their undisputed good faith conduct. Pet. App. 14a. This message threatens to "breed disrespect for . . . law itself." *Kirtsaeng v. John Wiley & Sons, Inc.*, 568 U.S. 519, 545 (2013).

## II. This issue is of critical importance for the debt collection industry.

Not only is the Seventh Circuit's decision erroneous, but it presents an important issue that warrants this Court's review. *First*, given the lack of guidance from the CFPB and the number of FDCPA lawsuits facing debt collectors throughout the nation, the ability to rely on decisions of the Courts of Appeals is critical. *Second*, the Seventh Circuit's decision imposes great costs on the debt collection industry. Even if damages are minimal or nonexistent in the wake of a change in governing legal authority, the availability of attorney's fees has the real potential to make such suits costly for debt collectors.

### A. The ability to rely on binding precedent interpreting the FDCPA is critical given the volume of litigation and lack of agency guidance.

For ethical debt collectors who strive to comply with the FDCPA, the ability to rely on binding circuit precedent interpreting the FDCPA's provisions is acutely important. Nearly every interaction between a debt collector and a debtor, no matter how minor or brief, potentially implicates the statute. *E.g.*, 15 U.S.C. § 1692a(2) (defining "communication" as "the conveying of information regarding a debt directly or indirectly to any person through any medium").

The FDCPA is a font of litigation in the federal courts nationwide. In 2016, for example, there were over 10,400 new FDCPA litigants in the federal district courts—representing nearly 5% of all non-prisoner civil lawsuits filed in the district courts that year.[4] *See also Federal Home Loan Mortg. Corp.* v. *Lamar*, 503 F.3d 504, 513 (6th Cir. 2007) (noting that there has been a "proliferation of litigation" under the Act). "The FDCPA is a complex statute, and its provisions are subject to different interpretations." *Jerman*, 559 U.S. at 621. For a conscientious debt collector to successfully navigate through these

---

[4] *See* WebRecon LLC, *2016 Year in Review: FDCPA Down, FCRA & TCPA Up*, https://webrecon.com/2016-year-in-review-fdcpa-down-fcra-tcpa-up/; U.S. Courts, *U.S. District Courts—Civil Cases Commenced, by Basis of Jurisdiction and Nature of Suit, During the 12-Month Periods Ending December 31, 2015 and 2016*, http://www.uscourts.gov/sites/default/files/data_tables/stfj_c2_1231.2016.pdf.

variable interpretations arising in the lower courts as it interacts with debtors on a daily basis, clear and reliable guidance is needed.

As discussed in the preceding section, the CFPB has the authority to create safe harbors for debt collectors by issuing advisory opinions pursuant to Section 1692k(e). *Jerman* recognized that the agency advisory opinion practice as implemented in 2010 failed to provide any "practical remedy," noting that the FTC had only issued four advisory opinions in the past decade. 559 U.S. at 599. Justice Breyer's concurrence stated that he joined the majority on the understanding that the FTC would increase the pace of its advisory opinions. *Id.* at 606. Yet despite these observations, the pace of advisory opinions has only worsened after *Jerman*. Since Congress gave CFPB advisory opinion authority in 2011, the agency has issued only a single advisory opinion—one in over six years. 81 Fed. Reg. 71,977 (Oct. 19, 2016).[5]

[5] The CFPB also has had the authority to enact rules with respect to the FDCPA since 2011. 15 U.S.C. § 1692*l*(d). Yet the CFPB has yet to issue a final rule after notice and comment rulemaking that interprets and implements the FDCPA. *See* 78 Fed. Reg. 67,848 (Nov. 12, 2013) (Advance Notice of Proposed Rulemaking). Thus, instead of providing any comprehensive rulemaking, the CFPB applies the FDCPA on a debt collector-by-debt collector basis through enforcement actions. *See, e.g.*, CFPB, *Fair Debt Collection Practices Act*, *CFPB Annual Report 2017*, at 34-40 (Mar. 2017) (detailing enforcement efforts), *available at* https://s3.amazonaws.com/files.consumerfinance.gov/f/documents/201703_cfpb_Fair-Debt-Collection-Practices-Act-Annual-Report.pdf.

Because of the lack of agency guidance and the limited number of decisions from this Court, the industry relies heavily on the decisions of the Courts of Appeals for guidance. For instance, as the Petition explains, some Courts of Appeals issue detailed "safe harbor" decisions that inform debt collectors that they can avoid liability if they comply with those opinions. Pet. 7-8. The Second Circuit has continued to do so after *Jerman*. *E.g.*, *Avila v. Riexinger & Assocs., LLC*, 817 F.3d 72, 76-77 (2d Cir. 2016). This has created a division of authority with the Seventh Circuit's decision, because if the decisions of the Court of Appeals are mere statements by "lawyers . . . with judicial commissions" that can be overruled at any time to impose the potential for massive liability on debt collectors, Pet. App. 15a, then such opinions provide no safe harbor whatsoever. Indeed, as the Seventh Circuit's decision shows, they are even worse because they are a trap for the well-intentioned. Like moths to a flame, compliance-oriented debt collectors are drawn to binding circuit precedent, only to be burned when the Circuit changes its mind.

### B. The Seventh Circuit's decision imposes a significant cost on the debt collection industry.

Even a single decision like the one below, where one Court of Appeals overrules its prior FDCPA precedent, can be expected to send a wave of litigation against debt collectors operating in the affected Circuit. In this case, the impact was less than it might otherwise be because the overruled decision involved only two counties in the entire Seventh Circuit. Pet. App. 6a. Yet even so, in the district court encompassing just *one* of those counties, approximately 144 FDCPA lawsuits were filed that relied on the Seventh Circuit's 2014 *en banc* decision that overruled its prior precedent interpreting the FDCPA's venue provision. *See* Appendices A & B. One can only imagine the exponentially larger number of lawsuits that would be filed if the precedent involved a more general FDCPA provision applicable in every county and every state in a Circuit.[6]

Each of these lawsuits also has the potential to be quite costly despite the Seventh Circuit's assurances to the contrary. The Seventh Circuit acknowledged "that if any mistaken interpretations of the Act were made in good faith, it was in cases like this." Pet. App. 14a. In an apparent effort to mitigate the inequity of holding Petitioner liable for this quintessential good faith conduct, Pet. App. 14a, the Seventh Circuit suggested that damages should be minimal or nonexistent where the debt collector complied with existing circuit precedent. It pointed to the FDCPA's direction that in determining a damages award, a court shall considerer "the extent to which such noncompliance was intentional." Pet. App. 15a (citing 15 U.S.C. § 1692(b)(1)).

---

[6] The Seventh Circuit's decision will have substantial effects even just within that Circuit. The Northern District of Illinois from which this case arises is a hotbed of consumer litigation. For every month from September 2015 through October 2017, that district had the most consumer protection lawsuits filed of any in the nation. WebRecon LLC, *Category Archives: Blog/Litigation Stats*, https://webrecon.com/category/fdcpa-case-statistics/ (follow "Debt Collection Litigation & CFPB Complaint Statistics" for months Sept. 2015 to Oct. 2017).

The Seventh Circuit greatly underestimates the impact of its decision, which could impose a significant cost on the industry even assuming district courts award minimal compensatory and statutory damages. The FDCPA also authorizes the award of "a reasonable attorney's fee as determined by the court" to the debtor "in the case of any successful action." 15 U.S.C. § 1692k(a)(3). As shown in the table below, small damages awards in the FDCPA context are often dwarfed by large attorney's fee awards. Moreover, determining a reasonable attorney's fee award does not typically turn on or take into consideration the equity of the defendant's actions. *See Connolly v. Nat'l Sch. Bus Serv., Inc.*, 177 F.3d 593, 597 (7th Cir. 1999) ("The standard is whether the fees are reasonable in relation to the difficulty, stakes, and outcome of the case." (citation omitted)).

"The history of FDCPA litigation shows that most cases have resulted in limited recoveries for plaintiffs and hefty fees for their attorneys." *Sanders v. Jackson*, 209 F.3d 998, 1004 (7th Cir. 2000). While most district courts stayed the many post-*Suesz* cases pending the resolution of this case, one district court allowed the case to proceed, and the results there are indicative of the non-trivial impact of the Seventh Circuit's decision. Though a jury awarded just $200 in damages, the district court entered a fee award of over $69,000—more than 300 times the damages award. *Portalatin v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, No. 14 C 8271, 2017 WL 4804998 (N.D. Ill. Oct. 25, 2017). This is not unusual. District courts in FDCPA suits frequently award attorney's fees that are vastly disproportionate to the small damages awarded, as shown in the table below:

| Damages | Fees | Ratio | Case |
|---|---|---|---|
| $1,000 | $32,489 | 1:32 | *Cabala v. Crowley*, 736 F.3d 226 (2d Cir. 2013) |
| $1,001 | $33,300 | 1:33 | *Viall v. Stellar Recovery, Inc.*, No. 14-cv-01536, 2017 WL 4676592 (D. Colo. Sept. 27, 2017) |
| $500 | $36,191 | 1:72 | *Heling v. Creditors Collection Serv. Inc.*, No. 15-CV-1274, 2017 WL 2539785, (E.D. Wis. June 12, 2017) |
| $1,000 | $105,560 | 1:106 | *Kasalo v. Trident Asset Mgmt., L.L.C*, No. 1:12cv2900, ECF Nos. 174 & 175 (N.D. Ill. May 2015) |
| $1,050 | $109,640 | 1:104 | *Douyon v. N.Y. Med. Health Care, P.C.*, No. CV 10-3983, 2015 WL 5821499 (E.D.N.Y. Sept. 30, 2015) |

One rationale for the award of attorney's fees even where the harm is minimal is deterrence. *See Hudson v. Michigan*, 547 U.S. 586, 598 (2006). This rationale simply does not exist where the debt collector is complying with binding and clear circuit precedent. The Seventh Circuit's decision only punishes compliance. It is thus a giant green light for attorney-driven "gotcha" suits that achieve no societal benefit and do not advance the deterrence Congress intended in the FDCPA.

## CONCLUSION

For these reasons, *amicus* respectfully asks this Court to grant certiorari.

Respectfully submitted,

Benjamin L. Hatch
*Counsel of Record*
E. Rebecca Gantt
MCGUIREWOODS LLP
2001 K Street N.W.
Suite 400
Washington, DC 20006-1040
(202) 857-1727
*bhatch@mcguirewoods.com*

December 15, 2017

# APPENDIX

## APPENDIX

## TABLE OF CONTENTS

## Appendix A

**Cases Filed Against Portfolio Recovery Associates, LLC in the Northern District of Illinois after *Suesz v. Med-1 Solutions, LLC*, 757 F.3d 636 (7th Cir. 2014)**

- *Abu-Samra v. Portfolio Recovery Associates, LLC*, No. 1:14-cv-05780 (N.D. Ill. 07/28/14)
- *Greene v. Portfolio Recovery Associates, LLC*, No. 1:14-cv-07540 (N.D. Ill. 09/28/14)
- *Wallace v. Portfolio Recovery Associates, LLC*, No. 1:14-cv-07810 (N.D. Ill. 10/06/14)
- *Adams v. Freedman Anselmo Lindberg LLC et al.,* No. 1:14-cv-07812 (N.D. Ill. 10/06/14)
- *Bianco v. Blatt Hasenmiller, Leibsker & Moore, LLC et al.,* No. 1:14-cv-07866 (N.D. Ill. 10/08/14)
- *Szykowny v. Freedman Anselmo Lindberg, LLC et al.,* No. 1:14-cv-08173 (N.D. Ill. 10/17/14)
- *Ketchum v. Freedman Anselmo Lindberg, LLC et al.,* No. 1:14-cv-08217 (N.D. Ill. 10/20/14)
- *Hayward v. Blatt, Hasenmiller, Liebsker & Moore, LLC et al.,* No. 1:14-cv-09030 (N.D. Ill. 11/10/14)
- *Campbell v. Blatt, Hasenmiller, Leibsker & Moore LLC et al.,* No. 1:14-cv-10003 (N.D. Ill. 12/12/14)
- *Delitz v. Portfolio Recovery Associates, LLC*, No. 1:14-cv-10176 (N.D. Ill. 12/18/14)
- *Oliver v. Freedman Anselmo Lindberg LLC et al.,* No. 1:15-cv-00558 (N.D. Ill. 01/20/15)

- *Gajda v. Portfolio Recovery Associates L.L.C.*, No. 1:15-cv-00607 (N.D. Ill. 01/21/15)
- *Martinez v. Freedman Anselmo Lindberg LLC et al.,* No. 1:15-cv-01097 (N.D. Ill. 02/03/15)
- *Jenkins v. Portfolio Recovery Associates, LLC*, No. 1:15-cv-01124 (N.D. Ill. 02/04/15)
- *Betts v. Portfolio Recovery Associates, L.L.C.*, No. 1:15-cv-01248 (N.D. Ill. 02/09/15)
- *Guy v. Blitt and Gaines, P.C. et al.,* No. 1:15-cv-02536 (N.D. Ill. 03/25/15)
- *Guy v. Freedman, Anselmo, Lindberg & Rappe, LLC et al.,* No. 1:15-cv-02538 (N.D. Ill. 03/25/15)
- *Bukvich v. Portfolio Recovery Associates, L.L.C.*, No. 1:15-cv-03218 (N.D. Ill. 04/10/15)
- *Wistehuff v. Portfolio Recovery Associates, LLC*, No. 1:15-cv-05759 (N.D. Ill. 06/29/15)
- *Wistehuff v. Portfolio Recovery Associates, LLC*, No. 1:15-cv-05761 (N.D. Ill. 06/29/15)
- *Field v. Portfolio Recovery Associates, LLC*, No. 1:14-cv-07655 (N.D. Ill. 10/1/14)

## Appendix B

**Cases Filed Against Other Defendants in the Northern District of Illinois after *Suesz v. Med-1 Solutions, LLC*, 757 F.3d 636 (7th Cir. 2014)**

- *Taylor v. Blitt and Gaines P.C.*, No. 1:14-cv-05781 (N.D. Ill. 07/28/14)
- *Gillis v. Blitt and Gaines P.C. et al.*, No. 1:14-cv-05782 (N.D. Ill. 07/28/14)
- *Jones v. Law Offices of Paul D. Lawent*, No. 1:14-cv-05927 (N.D. Ill. 08/03/14)
- *Carpenter v. Midland Funding, LLC*, No. 1:14-cv-05954 (N.D. Ill. 08/04/14)
- *Rydzinski v. Weltman, Weinberg & Reis Co., L.P.A.*, No. 1:14-cv-06306 (N.D. Ill. 08/15/14)
- *Browne v. John C. Bonewicz, P.C.*, No. 1:14-cv-06312 (N.D. Ill. 08/15/14)
- *Monaghan-Bristow v. John C. Bonewicz, P.C.*, No. 1:14-cv-06314 (N.D. Ill. 08/15/14)
- *Oliva v. Blatt, Hasenmiller, Leibsker & Moore LLC*, No. 1:14-cv-06447 (N.D. Ill. 08/20/14)
- *Campillo v. Steven J. Fink & Associates, P.C.*, No. 1:14-cv-06529 (N.D. Ill. 08/23/14)
- *Cozzie et al. v. Law Offices of John Edward Brennock*, No. 1:14-cv-06530 (N.D. Ill. 08/23/14)
- *Maldonado v. Freedman Anselmo Lindberg LLC*, No. 1:14-cv-06694 (N.D. Ill. 08/29/14)
- *Mehra v. Law Offices of Keith S. Shindler, Ltd*, No. 1:14-cv-06715 (N.D. Ill. 08/29/14)

- *Conroy v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, No. 1:14-cv-06725 (N.D. Ill. 08/30/14)
- *Ayeni v. Blitt and Gaines, P.C.,* No. 1:14-cv-06726 (N.D. Ill. 08/30/14)
- *McAllister v. The CKB Firm, P.C.,* No. 1:14-cv-07027 (N.D. Ill. 09/10/14)
- *Delk v. Freedman Anselmo Lindberg, LLC*, No. 1:14-cv-07091 (N.D. Ill. 09/11/14)
- *Delk v. Freedman Anselmo Lindberg, LLC*, No. 1:14-cv-07092 (N.D. Ill. 09/11/14)
- *Pihl v. Law Office of Keith S. Shindler, Ltd.*, No. 1:14-cv-07114 (N.D. Ill. 09/12/14)
- *Pihl v. Law Office of Keith S. Shindler*, *Ltd.,* No. 1:14-cv-07116 (N.D. Ill. 09/12/14)
- *Henciek v. Law Office of Keith S. Shindler, Ltd.*, No. 1:14-cv-07149 (N.D. Ill. 09/13/14)
- *Glazewski v. The CKB Firm, P.C.*, No. 1:14-cv-07150 (N.D. Ill. 09/13/14)
- *Murry v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, No. 1:14-cv-07151 (N.D. Ill. 09/13/14)
- *Oberg v. Blatt, Hasenmiller, Leibsker & Moore LLC*, No. 1:14-cv-07369 (N.D. Ill. 09/22/14)
- *Ratcliff v. Freedman Anselmo Lindberg LLC et al.*, No. 1:14-cv-07371 (N.D. Ill. 09/22/14)
- *Jelebinkov v. Blatt, Hasenmiller, Leibsker & Moore LLC*, No. 1:14-cv-07372 (N.D. Ill. 09/22/14)
- *Jelebinkov v. Freedman Anselmo Lindberg LLC*, No. 1:14-cv-07373 (N.D. Ill. 09/22/14)
- *Jaber v. Freedman Anselmo Lindberg LLC et al.*, No. 1:14-cv-07374 (N.D. Ill. 09/22/14)
- *Dyer v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, No. 1:14-cv-07486 (N.D. Ill. 09/26/14)

- *Farr v. Law Offices of Marvin L. Husby III*, No. 1:14-cv-07490 (N.D. Ill. 09/26/14)
- *Sapaula v. Blitt and Gaines P.C.*, No. 1:14-cv-07494 (N.D. Ill. 09/26/14)
- *Dyer v. Sanford Kahn, Ltd*, No. 1:14-cv-07503 (N.D. Ill. 09/26/14)
- *Mehra v. Law Office of Keith S. Shindler, Ltd. et al.*, No. 1:14-cv-07506 (N.D. Ill. 09/26/14)
- *Mehra v. Law Office of Keith S. Shindler, Ltd. et al.,* No. 1:14-cv-07509 (N.D. Ill. 09/26/14)
- *Henderson v. Blatt, Hasenmiller, Leibsker & Moore LLC et al.*, No. 1:14-cv-07517 (N.D. Ill. 09/26/14)
- *Padilla v. Blatt, Hasenmiller, Leibsker & Moore LLC*, No. 1:14-cv-07650 (N.D. Ill. 09/30/14)
- *Davis v. Arthur B. Adler and Associates, Ltd.*, No. 1:14-cv-07684 (N.D. Ill. 10/01/14)
- *Burgess v. Fulton Friedman & Gullace*, No. 1:14-cv-07685 (N.D. Ill. 10/01/14)
- *Smith v. Markoff Law LLC*, No. 1:14-cv-07809 (N.D. Ill. 10/06/14)
- *Adams v. Blitt and Gaines, P.C. et al.*, No. 1:14-cv-07811 (N.D. Ill. 10/06/14)
- *Cerda v. Blatt, Hasenmiller, Leibsker & Moore LLC et al.*, No. 1:14-cv-07813 (N.D. Ill. 10/07/14)
- *Komisar v. Blatt, Hasenmiller, Leibsker & Moore LLC*, No. 1:14-cv-07948 (N.D. Ill. 10/10/14)
- *Komisar v. Blatt, Hasenmiller, Leibsker & Moore LLC*, No. 1:14-cv-07950 (N.D. Ill. 10/10/14)
- *Reid v. Blitt and Gaines P.C. et al.*, No. 1:14-cv-08123 (N.D. Ill. 10/16/14)

- *Sutton v. Weltman, Weinberg & Reis, L.P.A.*, No. 1:14-cv-08164 (N.D. Ill. 10/17/14)
- *Knight v. Blatt, Hasenmiller, Leibsker & Moore, LLC et al.*, No. 1:14-cv-08169 (N.D. Ill. 10/17/14)
- *Reid v. Blitt and Gaines P.C. et al.*, No. 1:14-cv-08172 (N.D. Ill. 10/17/14)
- *Jelebinkov v. Freedman Anselmo Lindberg LLC et al.*, No. 1:14-cv-08175 (N.D. Ill. 10/17/14)
- *Witbrod v. Blitt and Gaines, P.C. et al.,* No. 1:14-cv-08176 (N.D. Ill. 10/17/14)
- *Abdallah v. Mortell et al.*, No. 1:14-cv-08218 (N.D. Ill. 10/20/14)
- *Patten v. Resurgence Legal Group, P.C. et al.*, No. 1:14-cv-08270 (N.D. Ill. 10/21/14)
- *Portalatin v. Blatt, Hasenmiller, Leibsker & Moore LLC et al.*, No. 1:14-cv-08271 (N.D. Ill. 10/21/14)
- *Hudson v. Steven J. Fink & Associates, P.C. et al.*, No. 1:14-cv-08309 (N.D. Ill. 10/22/14)
- *Mensah v. Blitt & Gaines, P.C. et al.*, No. 1:14-cv-08310 (N.D. Ill. 10/22/14)
- *Saunders v. Blatt, Hasenmiller, Leibsker & Moore LLC et al.*, No. 1:14-cv-08311 (N.D. Ill. 10/22/14)
- *Adams v. Law Office of Keith S. Shindler, Ltd.*, No. 1:14-cv-08389 (N.D. Ill. 10/24/14)
- *Smith v. Robertson & Associates*, No. 1:14-cv-08390 (N.D. Ill. 10/24/14)
- *Jones v. Blitt & Gaines, P.C.*, No. 1:14-cv-08391 (N.D. Ill. 10/24/14)
- *Grasse v. Blatt, Hasenmiller, Leibsker & Moore, LLC et al.,* No. 1:14-cv-08573 (N.D. Ill. 10/29/14)

- *Tosoni v. Mortell et al.*, No. 1:14-cv-08588 (N.D. Ill. 10/30/14)
- *Fabian v. Law Office of Keith S. Shindler, Ltd. et al.*, No. 1:14-cv-08624 (N.D. Ill. 10/31/14)
- *Jackson v. Blitt & Gaines, P.C. et al.*, No. 1:14-cv-08625 (N.D. Ill. 10/31/14)
- *Dukes v. Wayne S. Shapiro, P.C.*, No. 1:14-cv-08626 (N.D. Ill. 10/31/14)
- *Dukes v. Wayne S. Shapiro, P.C.*, No. 1:14-cv-08628 (N.D. Ill. 10/31/14)
- *Vazquez v. Law Offices of Larry J. Meyer*, No. 1:14-cv-08631 (N.D. Ill. 10/31/14)
- *Radcliffe v. Russell G. Winick & Associates, P.C.*, No. 1:14-cv-08633 (N.D. Ill. 10/31/14)
- *Langston v. John C. Bonewicz, P.C. et al.*, No. 1:14-cv-08642 (N.D. Ill. 10/31/14)
- *Desfassiaux v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, No. 1:14-cv-08663 (N.D. Ill. 10/31/14)
- *Lowery v. Truemper, Titiner & Brough, Limited*, No. 1:14-cv-08683 (N.D. Ill. 10/31/14)
- *Childress v. Andrews and Cox, P.C. et al.*, No. 1:14-cv-08686 (N.D. Ill. 10/31/14)
- *Page v. Blitt & Gaines, P.C. et al.*, No. 1:14-cv-08691 (N.D. Ill. 10/31/14)
- *Fleming v. Migdal Law Group, LLC et al.*, No. 1:14-cv-08695 (N.D. Ill. 10/31/14)
- *McCauley v. Hunter et al.*, No. 1:14-cv-08698 (N.D. Ill. 10/31/14)
- *Aninmis v. Meyer & Njus P.A.*, No. 1:14-cv-08699 (N.D. Ill. 10/31/14)
- *Enriquez v. Law Office of Michael J. Torchalski, P.C. et al.*, No. 1:14-cv-08700 (N.D. Ill. 10/31/14)

- *Ventura v. Yashar & Morgan, P.C. et al.*, No. 1:14-cv-08701 (N.D. Ill. 10/31/14)
- *Balik v. Blitt & Gaines, P.C. et al.*, No. 1:14-cv-08702 (N.D. Ill. 10/31/14)
- *Murray v. Kuntz*, No. 1:14-cv-08869 (N.D. Ill. 11/05/14)
- *Rowan v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, No. 1:14-cv-08923 (N.D. Ill. 11/06/14)
- *Etro v. Blitt & Gaines, P.C.*, No. 1:14-cv-08924 (N.D. Ill. 11/06/14)
- *Watts v. Weltman Weinberg & Reis, Co. LPA*, No. 1:14-cv-09029 (N.D. Ill. 11/10/14)
- *Gillespie v. Blitt & Gaines, P.C.*, No. 1:14-cv-09176 (N.D. Ill. 11/14/14)
- *Sultan v. Resurgence Legal Group, P.C. et al.*, No. 1:14-cv-09177 (N.D. Ill. 11/14/14)
- *Moore v. Law Offices of Ronald J. Hennings, P.C.*, No. 1:14-cv-09255 (N.D. Ill. 11/18/14)
- *Etro v. Midland Funding, LLC,* No. 1:14-cv-09256 (N.D. Ill. 11/18/14)
- *Griffin v. Meyer & Njus P.A. et al.*, No. 1:14-cv-09302 (N.D. Ill. 11/19/14)
- *Abu-Samra v. Cavalry SPV I, LLC*, No. 1:14-cv-09422 (N.D. Ill. 11/24/14)
- *Whittler v. Midland Funding, LLC*, No. 1:14-cv-09423 (N.D. Ill. 11/24/14)
- *Ferber v. LVNV Funding, LLC*, No. 1:14-cv-09522 (N.D. Ill. 11/26/14)
- *Weingard v. Unifund CCR, LLC*, No. 1:14-cv-09524 (N.D. Ill. 11/26/14)
- *Mako v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, No. 1:14-cv-09600 (N.D. Ill. 12/01/14)

- *Ford v. Blatt, Hasenmiller, Leibsker & Moore LLC*, No. 1:14-cv-09601 (N.D. Ill. 12/01/14)
- *Summers v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, No. 1:14-cv-09602 (N.D. Ill. 12/01/14)
- *Summers v. Blatt, Hasenmiller, Leibsker & Moore, LLC*, No. 1:14-cv-09603 (N.D. Ill. 12/01/14)
- *Hill v. Freedman Anselmo Lindberg, LLC*, No. 1:14-cv-10004 (N.D. Ill. 12/12/14)
- *Henderson v. Blitt and Gaines, P.C.*, No. 1:14-cv-10007 (N.D. Ill. 12/12/14)
- *Johnson v. Blitt and Gaines, P.C.,* No. 1:14-cv-10009 (N.D. Ill. 12/12/14)
- *Edmondson v. Blitt and Gaines, P.C.,* No. 1:14-cv-10010 (N.D. Ill. 12/12/14)
- *Summers v. Midland Funding, LLC et al.*, No. 1:14-cv-10174 (N.D. Ill. 12/18/14)
- *Lebrun v. Blitt and Gaines P.C.*, No. 1:14-cv-10232 (N.D. Ill. 12/19/14)
- *Wordlow et al. v. Truemper, Titiner & Brough, Limited*, No. 1:15-cv-00090 (N.D. Ill. 01/07/15)
- *Zayed v. Bellas et al.*, No. 1:15-cv-01838 (N.D. Ill. 03/02/15)
- *Matthews v. Grabowski Law Center LLC et al.*, No. 1:15-cv-01915 (N.D. Ill. 03/03/15)
- *Stemberk v. Blatt, Hasenmiller, Leibsker & Moore LLC et al.*, No. 1:15-cv-02083 (N.D. Ill. 03/09/15)
- *Pickett v. Blatt, Hasenmiller, Leibsker & Moore LLC et al.*, No. 1:15-cv-02205 (N.D. Ill. 03/12/15)
- *Orozco v. Markoff Law LLC et al.*, No. 1:15-cv-02246 (N.D. Ill. 03/13/15)

- *Evans v. Blatt, Hasenmiller, Leibsker & Moore, LLC et al.*, No. 1:15-cv-02318 (N.D. Ill. 03/17/15)
- *Benson v. Blitt and Gaines, P.C. et al.,* No. 1:15-cv-02432 (N.D. Ill. 03/20/15)
- *Buckley v. Cavalry SPV I, LLC*, No. 1:15-cv-02436 (N.D. Ill. 03/20/15)
- *Walker v. Midland Funding LLC*, No. 1:15-cv-02636 (N.D. Ill. 03/27/15)
- *Meter v. Midland Funding, LLC*, No. 1:15-cv-02637 (N.D. Ill. 03/27/15)
- *Henning et al. v. O'Mara, Gleason & O'Callaghan, LLC*, No. 1:15-cv-03818 (N.D. Ill. 04/30/15)
- *Finley v. McGrane, Perozzi, Shelter, Gerardi, Brauer & Ross, Ltd.*, No. 1:15-cv-04465 (N.D. Ill. 05/20/15)
- *Wheet v. Atlantic Credit & Finance Special Finance Unit, LLC*, No. 1:15-cv-04685 (N.D. Ill. 05/27/15)
- *Pate v. MSW Capital, LLC*, No. 1:15-cv-05602 (N.D. Ill. 06/24/15)
- *Wistehuff v. HBLC, Inc. et al.*, No. 1:15-cv-05934 (N.D. Ill. 07/06/15)
- *Fitzharris v. Weltman Weinberg & Reis Co, LPA*, No. 1:15-cv-06144 (N.D. Ill. 07/13/15)
- *Koku v. Cach, LLC*, No. 1:15-cv-02705 (N.D. Ill. 3/30/15)
- *Koku v. John C. Bonewicz, P.C.*, No. 1:15-cv-02747 (N.D. Ill. 3/30/15)
- *Marks v. Main Street Acquisition*, No. 1:15-cv-01632 (N.D. Ill. 2/23/15)
- *Meikle v. Landis et al.*, No. 1:15-cv-00807 (N.D. Ill. 1/27/15)

- *Peralta v. Didesch*, No. 1:15-cv-01627 (N.D. Ill. 2/23/15)
- *Raymond, Sr. v. Jefferson Capital Systems, LLC*, No. 1:14-cv-05529 (N.D. Ill. 7/20/14)
- *Spies v. Arthur B. Adler & Associates, Ltd. P.C.*, No. 1:14-cv-06356 (N.D. Ill. 08/18/14)