

The Epic Journey of a Pivotal 11th Circuit Debt-Collection Case, The Daily Docket, noted Richard Perr, November 19, 2021

By Alison Frankel, Reuters

It's been a long, strange trip through the 11th U.S. Circuit Court of Appeals for *Hunstein v. Preferred Collection & Management Services Inc.*, a Fair Debt Collection Practices Act case that exemplifies the challenge for appellate courts in applying the U.S. Supreme Court's test for constitutional standing.

On Wednesday, the 11th Circuit said that it had voted to review the case en banc. The court's order came just a few weeks after an Oct. 28 panel decision that allowed the plaintiff, Richard Hunstein, to proceed with claims that the debt collector violated the FDCPA by sharing sensitive personal information about him with the outside vendor that mails out Preferred's dunning letters. The en banc 11th Circuit didn't even wait for Preferred's lawyers at Kaufman Dolowich & Voluck to ask for a rehearing...

Preferred counsel Perr, who came into the case after the debt collector's initial loss at the 11th Circuit, said in the company's petition to rehear that first ruling that CompuMail generates dunning letters electronically, without any actual person reading the information in the mailings. Perr also pointed out – as did Tjoflat in his dissent in the Oct. 28 decision – that in the 1977 statute, Congress expressly allowed debt collectors to disclose information to telegraph operators – an old-school version of mail vendors that send out collection notices. Please read full article at link below.