

David Schultz Analyzes in ARM Compliance Digest: Judge Grants MSJ For Defendant in FDCPA Case Over Credit Karma Report

In The News | 1 min read

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In the July 12, 2021 edition of the *ARM Compliance Digest*, Hinshaw partner David Schultz discusses a decision in which a district court judge in Tennessee granted a defendant's motion for summary judgment after it was accused of violating the Fair Debt Collection Practices Act because it allegedly communicated information to a credit bureau after it was instructed by the creditor to request all of its tradelines be removed from its customers' credit reports:

Thomas v CBC is a good example of the best evidence concept. It also can be used to demonstrate at the summary judgment stage that Credit Karma reports are not reliable evidence to prove something or create a question of fact. This is important because plaintiffs often rely on Credit Karma information.

The claim is fairly common. A consumer lawyer sent an agency a dispute on debts. The agency requested the bureaus delete the tradelines. A lawsuit then was filed because supposedly the agency credit reported on the debts after the dispute but did not note disputes with the report. At the summary judgment stage, the agency presented an affidavit and business records that it requested the deletion and took no further action on the accounts. Plaintiff presented the Credit Karma report that supposedly showed that Equifax's records showed that reports on the debts were made two weeks after the agency claimed the trade lines were deleted.

The court held plaintiff's evidence insufficient to create a question of fact. The report was vague on the key facts and it was not a business record of the actual credit reporting agency. Perhaps the court also was influenced by plaintiff's testimony that she did not dispute the debts but was not in position to fully pay them (fn. 3).

[Read the full July 12, 2021 edition of the *AccountsRecovery.net Compliance Digest*](#)

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