

David Schultz Analyzes in ARM Compliance Digest: Judge Denies Competing Motions in FDCPA Case Over Debt Incurred During Political Campaign

In The News | 1 min read

Sep 13, 2021

In the September 13, 2021 edition of the *ARM Compliance Digest*, Hinshaw partner David Schultz discusses a case in California that is attempting to test the limits of what defines a consumer debt, at least as far as the Fair Debt Collection Practices Act is concerned:

Kershner v Hillcrest is odd on a number of levels. First, the facts are unique. The plaintiff was running for local office and hired a printer for some campaign related materials. He did not pay due to a mix-up with the printer. He subsequently sued the collector for not complying with the FDCPA. I am not familiar with many/any FDCPA cases arising out of political activity (unlike the TCPA, which has many cases rooted in political activity).

Second, the holding is odd. The court said there was a genuine dispute of material fact on whether there was a consumer debt. The judge said this even though the parties filed cross-motions for summary judgment and did not seem to argue on what were the facts. Each side applied those facts and the law and simply came to a different position, not surprisingly.

Third, rather than a judge deciding this issue, there will be a trial. The judge wants the jury to consider the facts and decide whether there was a consumer debt, which also does not happen too often. We'll have to keep a look out on whether this goes to trial and how it is decided.

[Read the full September 13, 2021 edition of the AccountsRecovery.net Compliance Digest.](#)

Hinshaw & Culbertson LLP is a U.S.-based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector, professional services, and other highly regulated industries. Hinshaw provides holistic legal solutions—from litigation and dispute resolution,

and business advisory and transactional services, to regulatory compliance—for clients of all sizes. Visit www.hinshawlaw.com for more information and follow @Hinshaw on LinkedIn and X.

Related People



David M. Schultz

Partner

📞 312-704-3527

Related Capabilities

Consumer & Class Action Defense

Related Locations

Chicago