

David Schultz Discusses New Jersey Appellate Division's Rejection of *Hunstein* Mail-Vendor Theory Under the FDCPA

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In The News | 1 min read

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In the November 17, 2025, issue of the AccountsRecovery.net *ARM Compliance Digest*, Hinshaw partner David Schultz analyzes a New Jersey Appellate Division decision holding that sharing personal consumer information when using a vendor to print and mail collection letters does not violate the Fair Debt Collection Practices Act's (FDCPA) third-party disclosure provisions.

David notes that the ruling follows a series of similar New Jersey appellate decisions, but just like those prior cases, it remains unpublished and thus cannot be cited as legal precedent. He also explains that while multiple New Jersey appellate panels have now rejected the *Hunstein* theory, the lack of published authority continues, potentially because at least one petition for certiorari on the issue has been or will be presented to the New Jersey Supreme Court.

This is another New Jersey Appellate Division opinion that rejects the *Hunstein* theory. It took the court about six weeks to issue the ruling. The last NJ appellate ruling saying the same thing was issued October 6, 2025. There are several other such rulings. Unfortunately, this and the other opinions are unpublished and not precedent. I understand at least one defendant requested publication but was denied.

I did a bit of digging around on why they are not published. One possible explanation is because a losing Hunstein plaintiff filed a petition to the NJ Supreme Court. It appears that the appellate court may keep the cases unpublished if it looks like the issue is going to the NJ Supreme Court. I could not find a pending or granted cert petition but I suspect that there is one or more out there. If so, we could finally get a good NJ published opinion on the issue.

Read the full November 17, 2025, edition.

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