

Quick victory for Ania Moncrief

Plaintiff sued our client, a Buffalo, NY-based Defendant, on August 14, 2015 in Wyandotte County, Kansas. Plaintiff's counsel located in Kansas City, KS frequently files similar claims. By November 6, 2015, [Ania Moncrief](#) obtained dismissal and judgment for their client. The Fair Debt Collection Practices Act ("FDCPA") imposes strict liability upon debt collectors. Section 1692f(8) bars any symbol or language on the outside of an envelope to a debtor, other than the debt collector's address or business name, and the name may only appear if it doesn't indicate debt collection.

Collectors commonly assign a "file number" to accounts. Collectors commonly mail letter to debtors. Often, those letters travel in a "window" or "glassine" envelope. Sometimes, that file number shows through the "glassine window." In *Douglass v. Convergent Outsourcing*, 765 F.3d 299 (3d Cir. 2014), the Third Circuit found appearance of a file number violated the prohibition under 1692f(8), and imposed strict liability on the collector. No other circuit decision addresses this issue.

Collectively, with the attorney that client hired us to defend, the case was strategically removed to federal court where judges often dismiss specious cases under FDCPA. Along with forwarding counsel, [Ms. Moncrief](#) filed a 12(b)(6) motion to dismiss, asserting two arguments. First, the statute created an absurdity - read strictly it would prevent a stamp. Second, the file number constitutes "benign" language, which disclosed nothing about debt collection. The Judge declined to follow *Douglass*, holding the benign language exception required dismissal. The court entered judgment for our client. Swift justice!