



Frequently Asked Questions

Since the April 21 *Hunstein v. Preferred Collection & Mgmt. Servs.* ruling, the Print & Mail Coalition (the “Coalition”) has received questions from many of its clients across the accounts receivable management (ARM) industry. Below are responses to some of the most frequently asked questions. The responses should not be taken as legal advice.

How is the Print & Mail Coalition supporting me?

As critical suppliers to the industry, the Coalition is coming together as a powerful, united voice to identify of the impact the ruling. We will then file an amicus brief to ensure the Coalition’s perspective and legal arguments support the ARM industry. Additionally, the Coalition is staying in close contact with the industry associations to coordinate the amicus brief arguments, thereby ensuring that each brief presented to the court is unique and effective.

In light of the ruling, what should I be doing?

There are several things to do:

- Talk to an attorney who specializes in the ARM industry and who is familiar with the Hunstein case;
- Understand the ruling and the impact to your business;
- Stay abreast of the support offered from ACA, RMAI, and The iA Institute; and
- Review your insurance policies to identify your individual and class action claim deductibles and the details of your coverage.

What is the financial impact from a Hunstein copycat lawsuit?

A copycat class action lawsuit under the Fair Debt Collection Practices Act (FDCPA) sets a damages cap that is equal to the lesser of 1% of the specific agency’s net worth or \$500,000. Consult your counsel for a clear understanding the FDCPA class cap and its application to your agency.

What should I do if I receive a claim?

If you receive a claim:

- Contact your attorney;
- Inform both ACA International and RMAI via email at the following addresses;
 - ACA: Colin Winkler - winkler@acainternational.org
 - RMAI: David Reid - dreid@rmaintl.org
- Contact your insurance company, confirm that the counsel the company assigns to you is an FDCPA defense attorney, and/or understand your right to be involved in choosing counsel.

Why are May 12 and May 25 significant dates?

May 12 was the original deadline for the defendant agency to file a petition for a rehearing. However, on May 6, the defendant made a request to extend the Petition for Rehearing en banc deadline. The court granted the request, and the new deadline is May 25.

What happens once the defendant files the Petition for a Rehearing en banc?

Once the defendant files for a rehearing, the Coalition, and any other interested non-party, has seven days to file an amicus brief.

What is an amicus brief?

Amicus brief means “friend of the court.” These types of briefs are filed when a non-party to an action petitions the court to file a brief related to the lawsuit. The non-party generally has a strong interest in the subject matter and provides related education and/or commentary that may not have been fully considered in the initial hearing. The Coalition, as well as the industry associations, meet the criteria for filing an amicus brief.

What is the purpose of the Coalition’s amicus brief?

The purpose of the Coalition’s amicus brief is to educate the court regarding our role in the collection process. The brief will include appropriate and unique legal arguments for the court’s consideration that may not have been addressed during the original hearing.

What happens after the Coalition files the amicus brief?

There is no specified date or timeline for the court to hear the defendant’s petition or review the amicus briefs.

If the 11th Circuit Court grants the rehearing, what happens to any pending or future copycat lawsuits?

In layman’s terms, if the 11th Circuit Court grants the rehearing, it could be expected that a “stay” would be granted and that all copycat cases in the 11th District’s lower courts would be put on hold.

What happens if the request for rehearing is denied or the opinion is upheld upon rehearing?

While the Coalition is hopeful our amicus brief (along with those filed by other groups) will have a positive impact on the court’s reconsideration of the legal issues involved in the lawsuit and the defendant’s motion to dismiss, we understand that this entire legal process may be lengthy. If denied, there are additional legal avenues available to the defendant in the case and non-parties if there is a subsequent appeal. The Coalition vows to work together to explore other legal avenues that may alter the ruling or mitigate its impact. Throughout the process, the Coalition will continue to develop and promote ideas that support the valuable print and mailing functions for the ARM industry.