

QUICK REFERENCE GUIDE

FDCPA FACT SHEET:

WHO YOU CAN SUE AND WHAT FOR

Who	Why	Precedent/Law	Fine
Creditors if they report your credit history inaccurately	Defamation, financial injury	US Court of Appeals, Ninth Circuit, No. 00-15946, Nelson vs. Chase Manhattan	Extent of damages incurred by the wronged party as deemed by the courts
Creditors if they pull your credit file without permissible purpose	Injury to your credit report and credit score	FCRA Section 604 (A)(3)	\$2500
Credit bureaus if they refuse to correct information after being provided proof	Defamation, willful injury	FCRA Section 623 CUSHMAN, v. TRANS UNION CORPORATION US Court of Appeals for the Third Circuit Court Case 115 F.3d 220 June 9, 1997, Filed (D.C. No. 95-cv-01743).	Extent of damages incurred by the wronged party, as deemed by the courts
Credit bureaus if they reinsert a removed item from your credit report without notifying you in writing within 5 business days.	Consumer protection afforded by the FCRA	FCRA SECTION 611 Part (A)(5)(B)(ii)	\$2500
Credit bureaus if they fail to respond to your written disputes within 30 days (a 15 day extension may be granted if they receive information from the creditor within the first 30 days)	Consumer protection afforded by the FCRA	FCRA Section 611 Part (A)(1)	\$2500
Creditors or collection agencies, and credit bureaus if they try and	Consumer protection afforded by	FCRA Section 605 (c) Running of	\$1000

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"Re-age" your account by updating the date of last activity on your credit report in the hopes of keeping negative information on your account longer	the FCRA	the reporting period	
Collection agencies if they do not validate your debt yet continue to pursue collection activity (file for judgments, call or write you)	Consumer protection afforded by the FDCPA	FDCPA Section 809 (b), FTC opinion letter <i>Cass from LeFevre</i> (See Appendix B).	\$1000
Collection agencies if you have sent them a cease and desist letter and they still call you	Consumer protection afforded by the FDCPA	FDCPA Section 805 (c)	\$1000
Collection agencies if they have not validated your debt and they still continue to report to the credit bureaus	Consumer protection afforded by the FDCPA	Section 809 (b), FTC opinion letter <i>Cass from LeFevre</i> (See Appendix B).	\$1000
Collection agencies if they: <ul style="list-style-type: none"> - Cash a post- dated check before the date on the check - Cost you money by making you accept collect calls or COD mail - Take or threaten to take any personal property without a judgment 	Consumer protection afforded by the FDCPA	FDCPA Section 808	\$1000
Calls you after 8 PM at night or before 9 AM	Consumer protection afforded by the FDCPA	FDCPA Section 805. (a)(1)	\$1000
Calls you at your place of employment if the debt collector knows or has reason to know that your	Consumer protection afforded by the FDCPA	FDCPA Section 805. (a)(3)	\$1000

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employer prohibits the consumer from receiving such communication.			
Calls any third part about your debt like friends, neighbors, relatives, etc. However they can contact your attorney, a consumer reporting agency, the creditor, the attorney of the creditor, or the attorney of the debt collector.	Consumer protection afforded by the FDCPA	FDCPA Section 805. (b)	\$1000
The collection agency cannot use any kind of harassment or abuse**	Consumer protection afforded by the FDCPA	FDCPA Section 806	\$1000
Collector cannot claim to garnish your wages, seize property or have you arrested ***	Consumer protection afforded by the FDCPA	FDCPA Section 807	\$1000
Collector must you in a county in which you lived when you signed the original contract for the debt or where you live at the time when they file the lawsuit	Consumer protection afforded by the FDCPA	FDCPA Section 811 (a) (2)	\$1000 Also a good grounds for getting a judgment vacated