

## Collection and Reporting of Erroneous Debt

*Plaintiff v. DirectTV Inc. and Allied Interstate, Inc.*

**Case No. 1:07-cv-217 SPM/AK**

Saxon Gilmore filed a case in the United States District Court, Northern District of Florida, Gainesville Division, on behalf of the plaintiff concerning an erroneous debt with Direct TV that she discovered on her Experian Credit Report. The complaint alleges in November 2005, the plaintiff opened an account with DIRECTV in order to receive satellite television programming at her residence. At no time prior to November 2005 did the plaintiff receive satellite television programming from DIRECTV or receive any other type of services from DIRECTV. The alleged debt was being reported as past due to DIRECTV from October 2005.

The alleged debt was the only negative item on the plaintiff's Experian Credit Report and the plaintiff did not have any accounts with DIRECTV in October 2005. The plaintiff never received a bill or an account statement from DIRECTV indicating that the alleged debt was owed in October 2005. Even after informing DIRECTV of the inaccurate debt, the plaintiff was still contacted by three different debt collectors on separate occasions in attempts to collect the erroneous DIRECTV debt.

The complaint in the above-styled case alleges violations of the 15 U.S.C. § 1692 et seq., the [Fair Debt Collection Practices Act](#) (the "FDCPA"), 15 U.S.C. §1681 et seq., the [Fair Credit Reporting Act](#) (the "FCRA"), Florida Statutes § 559.55 et seq., the [Florida Consumer Collection Practices Act](#) (the "FCCPA") and Florida common law. FDCPA's provision 15 U.S.C. §§1692f(1) and 1692e(10). Under 15 U.S.C. § 1692f(1), a debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt. Additionally, under § 1692e(10) a debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt. In addition to the FDCPA claims, Saxon Gilmore also brought claims against the defendants for violations of the [Fair Credit Reporting Act](#) ("FCRA"), FCRA, 15 U.S.C. §1681s-2(b) by failing to conduct a reasonable investigation with respect to the Alleged Debt, failing to review all relevant information available to the debt collectors in this case.

The matter settled prior to trial.