

MISSOURI COURT OF APPEALS EASTERN DISTRICT  
OPINION SUMMARY

ROYAL FINANCIAL GROUP, LLC,	)	No. ED98991
	)	
Respondent,	)	Appeal from the Circuit Court
	)	of the City of St. Louis
v.	)	
	)	Hon. Barbara T. Peebles
TERRI PERKINS,	)	
	)	
Appellant.	)	FILED: August 20, 2013

Terri Perkins appeals the trial court's judgment in favor of Royal Financial Group on Perkins's claim under the Fair Debt Collection Practices Act (15 U.S.C. §1692). Royal, a debt collector, filed a breach of contract action suit Perkins alleging that it was an assignee of Chase Manhattan Bank and seeking to recover a credit card debt of nearly \$1,500 in principal, interest and other charges, plus attorney fees. However, in discovery, Royal admitted that it had no admissible evidence establishing its assignee status or the enforceability or calculation of Perkins's alleged debt. Royal's action was dismissed, and Perkins filed a counterclaim alleging that Royal's unsupported petition constituted false, misleading, and deceptive collection practices in violation of the FDCPA. The trial court found the evidence insufficient to prove Perkins's claim.

REVERSED AND REMANDED.

DIVISION ONE HOLDS: The record demonstrates that Royal lacked any admissible evidence to support its claim and never had any intention of prosecuting the action beyond the initial petition. Royal's assertion that it was an assignee of Chase Manhattan Bank was either actually false, as it failed to prove otherwise, or in the very least misleading from the perspective of an unsophisticated consumer. Royal's petition and its claim for attorney fees constituted threats to take action that could not legally be taken or that was not intended to be taken, in violation of §1692(e)(5). Royal also violated §§1692(e)(2) and (f) by claiming amounts to which it was not legally entitled. These are among the abusive practices that the FDCPA is intended to prohibit.

Opinion by: Clifford H. Ahrens, J. Roy L. Richter, P.J., and Glenn A. Norton, J., concur.

Attorney for Appellant: Jovanna R. Longo and Patric A. Lester

Attorney for Respondent: William F. Whealen, Jr.

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT.  
IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND  
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