NON-PRECEDENTIAL DECISION - SEE SUPERIOR COURT O.P. 65.37

JACOB LANCE, ON BEHALF OF HIMSELF AND ALL OTHERS SIMILARLY SITUATED Appellant v. ACCOUNTS ADVOCATE AGENCY, INC.	:	IN THE SUPERIOR COURT OF PENNSYLVANIA No. 2663 EDA 2025

Appeal from the Order Entered August 14, 2025
In the Court of Common Pleas of Chester County Civil Division at No(s): 2024-10922-TT

BEFORE: LAZARUS, P.J., MURRAY, J., and FORD ELLIOTT, P.J.E.*

MEMORANDUM BY MURRAY, J.: **FILED AUGUST 25, 2026**

In this civil action alleging unfair debt collection practices, Joseph Lance (Appellant) appeals from the order granting the preliminary objections filed by Accounts Advocate Agency, Inc. (Defendant), and dismissing Appellant's complaint for lack of standing to sue. Pertinently, the trial court filed a Pa.R.A.P. 1925(a) opinion expressing its agreement with Appellant that the order should be reversed. After careful review, we reverse and remand for further proceedings.

On December 5, 2024, Appellant filed a class action complaint, asserting that Defendant violated the federal Fair Debt Collection Practices Act (FDCPA),

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* Retired Senior Judge assigned to the Superior Court.

15 U.S.C.A. §§ 1692-1692p. ***See generally*** Complaint, 12/5/24; ***see also Itri v. Equibank, N.A.***, 464 A.2d 1336, 1342-43 (Pa. Super. 1983) (recognizing that Pennsylvania state courts have subject matter jurisdiction over FDCPA claims). Following procedure not relevant to this appeal, on May 20, 2025, Appellant filed an amended class action complaint, asserting the same FDCPA claim. ***See generally*** Amended Complaint, 5/20/25.[1] The amended complaint alleged that Appellant is a "consumer" within the meaning of 15 U.S.C.A. § 1692a(3) (defining "consumer" as "any natural person obligated or allegedly obligated to pay any debt"). Amended Complaint, 5/20/25, ¶ 2.

Appellant alleged that Defendant attempted to collect a debt by sending a July 9, 2024, letter (sometimes hereinafter, "the letter") to Appellant. ***Id.*** ¶¶ 8-9. Appellant claimed the letter used deceptive and misleading language, and sought to collect certain additional fees in violation of the FDCPA. ***Id.*** ¶¶ 10-11, Exhibit A (Letter, 7/9/24).[2]

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[1] In the amended complaint's caption, the plaintiff is identified as "JACOB LANCE, individually, and on behalf of all other similarly situated consumers…." ***See*** Amended Complaint, 5/20/25, caption.

[2] Specifically, Appellant claimed Defendant violated 15 U.S.C.A. §§ 1692e ("A debt collector may not use any false, deceptive, or misleading representation or means in connection with the collection of any debt"), 1692e(2) (prohibiting "[t]he false representation of … the character, amount, or legal status of any debt; or … any services rendered or compensation which may be lawfully received by any debt collector for the collection of the debt"), 1692e(10) (prohibiting "[t]he use of any false representation or deceptive means to
(Footnote Continued Next Page)

Pertinently, the letter is addressed to "PARENT OF [T.L.]," and states that Defendant is "trying to collect a debt that you owe to GOOD FELLOWSHIP AMBULANCE." Letter, 7/9/24. It is undisputed that T.L. is Appellant's **minor** son, and the underlying debt involves ambulance services provided to T.L.

On June 9, 2025, Defendant filed preliminary objections to the amended complaint, arguing, *inter alia*, that Appellant lacked standing to sue in his individual capacity. Preliminary Objections, 6/9/25, ¶¶ 6-10. Defendant maintained that, because Appellant's "son incurred the debt," Appellant did not incur the debt "in his individual capacity, … and is therefore not a debtor or a consumer under the FDCPA." ***Id.*** ¶¶ 6, 8.

On August 14, 2025, the trial court entered an order sustaining Defendant's preliminary objection based on lack of standing, and dismissing Appellant's amended complaint.[3] In an accompanying memorandum, the trial court determined Defendant's preliminary objection based on lack of standing was "dispositive," reasoning as follows:

> The FDCPA defines a consumer as "any natural person obligated or allegedly obligated to pay any debt." 15 U.S.C.[A.] § 1692a(3). … [T]he letter … which provides the basis for this action was

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collect or attempt to collect any debt or to obtain information concerning a consumer"), and 1692f ("A debt collector may not use unfair or unconscionable means to collect or attempt to collect any debt"). ***See*** Amended Complaint, 5/20/25, ¶ 30.

[3] Neither the decision below nor this appeal implicates this case's status as a putative class action. Defendant's preliminary objections did not specifically challenge Appellant's class action allegations, and the trial court did not address the amended complaint's class action aspect.

> addressed to "Parent[] of [T.L.]" [Appellant] was not specifically named. In addition, the District Court for the Eastern District of Pennsylvania has held that the father of a debtor was not a consumer under the FDCPA. ***Christy v. EOS CCA***, 905 F. Supp. 2d 648 (E.D. Pa. 2012).

Trial Court Memorandum, 8/14/25.

Appellant filed a timely notice of appeal and court-ordered Rule 1925(b) statement. The trial court filed a Rule 1925(a) opinion, in which it agreed with Appellant that its order should be reversed.[4]

Appellant presents the following questions for our review:

> 1. Did the [trial] court err in dismissing Appellant's complaint for lack of standing and lack of capacity to sue under the FDCPA?
>
> 2. Did the [trial] court err in relying on ***Christy*** …, because that decision is factually distinguishable and does not support dismissal?
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> 3. Did the [trial] court err in concluding that Appellant lacked any alleged obligation to pay the debt?
>
> 4. Did the [trial] court err in dismissing the complaint without recognizing that Appellant was the intended recipient of the debt collection communication and[,] thus[,] seeks to enforce his own FDCPA rights?

Appellant's Brief at 3 (some capitalization modified).

We address Appellant's issues together, as they are related. Appellant argues that

[4] The trial court noted that Appellant "filed a motion for reconsideration of the appealed order [on the same date he filed] the notice of appeal." Rule 1925(a) Opinion, 2/25/26, at 3 n.2. The trial court indicated it would have granted the motion for reconsideration had the notice of appeal not deprived it of jurisdiction. ***Id.***

> the allegations in the [c]omplaint, which must be accepted as true at the pleading stage, establish that Appellant was treated as the party responsible for the debt. The collection letter was addressed directly to "Parent of T.L.," and included language indicating that the debt collector was attempting to collect a debt from Appellant himself. By directing the communication to Appellant and asserting that he owed the debt, Defendant plainly alleged that Appellant was obligated to pay. That allegation alone is sufficient to bring Appellant within the statutory definition of a "consumer," regardless of whether a legal obligation ultimately exists.

Appellant's Brief at 8-9; ***see also id.*** at 12 (arguing the letter "unequivocally alleges" that Appellant, not his son, owed the debt and "was the party expected to satisfy the obligation").

Appellant maintains ***Christy*** is distinguishable because the debtor in ***Christy*** was the *adult* son of the plaintiff, who shared the same name. ***Id.*** at 10 (citing ***Christy***, 905 F. Supp. 2d at 653). There, the district court determined that the plaintiff should have known the intended recipient of the debt collection letter was his son.[5] ***See Christy***, 905 F. Supp. 2d at 653 (finding the plaintiff "could not reasonably have interpreted the letter to have been addressed to him"); ***see also id.*** at 650 (determining the plaintiff "does not owe the debt"). The district court held the plaintiff lacked standing "because he is not the debtor and does not fall under the broader definition of 'consumer' as set forth in [section] 1692a(3)…." ***Id.*** at 652. Instantly,

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[5] After failing to locate the plaintiff's son at the son's last known address, the debt collector sent a collection letter to a business address where the plaintiff's wife worked. ***Christy***, 905 F. Supp. 2d at 649-50. The plaintiff claimed "he believed the letter was addressed to him…." ***Id.*** at 650.

Appellant argues that in this case, unlike in ***Christy***, "there is no issue of mistaken identity or misdirected correspondence." Appellant's Brief at 11. Rather, Appellant maintains he was the intended "direct recipient" of Defendant's letter, which alleged "that Appellant is responsible for his minor son's debt." ***Id.***

Finally, Appellant argues that he "is not attempting to assert rights on behalf of his son…." ***Id.*** at 14. Appellant maintains that because he "was the target of the [letter], the alleged statutory violations … were inflicted upon him directly," and the "harms arising from those violations … are personal to Appellant…." ***Id.***

Defendant counters that the letter was not addressed to Appellant in his individual capacity, but rather was addressed to Appellant only in his representative capacity as T.L.'s parent. ***See*** Defendant's Brief at 12-14; ***see also id.*** at 14 (arguing "the letter was not addressed to [Appellant]"; rather, it "was correctly addressed to the representative of T.L." (emphasis omitted)). Defendant argues that "if [Appellant] had brought suit on behalf of T.L. in a representative capacity, he likely would have standing under the FDCPA." ***Id.*** at 12. Defendant maintains that T.L., not Appellant, is the "consumer" here, and that Appellant would have standing only in his capacity as a representative of T.L. ***Id.*** Because Appellant filed suit only in his individual capacity, Defendant argues, he does not qualify as a "consumer" and lacks standing to pursue his FDCPA claims. ***Id.***

When reviewing an order sustaining preliminary objections, this Court's

> standard of review is *de novo* and our scope of review is plenary. On an appeal from an order sustaining preliminary objections, we accept as true all well-pleaded material facts set forth in the plaintiff's complaint and all reasonable inferences which may be drawn from those facts. Preliminary objections which seek the dismissal of a cause of action should be sustained only in cases in which it is clear and free from doubt that the pleader will be unable to prove facts legally sufficient to establish the right to relief.

Winner v. Progressive Advanced Ins. Co., 345 A.3d 750, 756 (Pa. Super. 2025) (citation omitted).

Regarding FDCPA claims, this Court has recognized the following:

> To prevail on [an] FDCPA claim, a plaintiff must plead and prove that "(1) []he is a consumer[;] (2) the defendant is a debt collector[;] (3) the defendant's challenged practice involves an attempt to collect a 'debt' as the [FDCPA] defines it[;] and (4) the defendant has violated a provision of the FDCPA in attempting to collect the debt."

Matteo v. EOS USA, Inc., 292 A.3d 571, 577 (Pa. Super. 2023) (quoting ***Tatis v. Allied Interstate, LLC***, 882 F.3d 422, 427 (3d Cir. 2018)). The instant appeal involves only the first element.

As the district court in ***Christy*** cogently explained,[6]

> [g]enerally, the FDCPA grants a cause of action to "any person" wronged by a debt collector. 15 U.S.C.A. § 1692k(a). "Federal courts interpret Section 1692k(a) as a broad grant available to persons who are not obligated or allegedly obligated to pay the debt that the defendant sought to collect." ***Wenrich v. Robert E. Cole, P.C.***, No. 00-2588, 2001 WL 4994, at *3 (E.D. Pa. Dec. 22, 2000). However, "[u]nder certain sections of the FDCPA, a plaintiff must be a 'consumer' as defined in the FDCPA to have a cause of action because those sections define violations in terms

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[6] "On issues of federal law, we are free to consider federal court decisions as persuasive authority." ***Matteo***, 292 A.3d at 577 n.8 (citation omitted).

> of conduct directed toward a 'consumer.'" ***Id.*** at *4. The FDCPA defines a consumer as "any natural person obligated or allegedly obligated to pay any debt," 15 U.S.C.A. § 1692a(3)….
>
> Courts in this district and elsewhere have required a plaintiff bringing claims under certain FDCPA subsections, … to be a "consumer" …. [***See, e***]***.g., Shand-Pistilli v. Prof'l Account Servs., Inc.***, No. 10-1808, 2010 WL 2978029, at *3 n.1 (E.D. Pa. July 26, 2010) ("The FDCPA permits debt collectors to communicate with the consumer or the consumer's spouse."); ***Cole v. Toll***, No. 07-590, 2007 WL 4105382, at *7 (E.D. Pa. Nov. 16, 2007) (determining that plaintiffs did not have standing to sue under § 1692e(11), because they were not consumers as defined in §§ 1692a(3) and 1692c(d)); ***Wenrich***, 2001 WL 4994, at *4 (finding that plaintiffs lacked standing to sue under §§ 1692e(11) and 1692g); ***see also Montgomery v. Huntington Bank***, 346 F.3d 693, 696-97 (6th Cir. 2003) (***quoting Wright v. Fin. Serv. of Norwalk***, 22 F.3d 647, 649 n.1 (6th Cir. 1994)) ("'Only a "consumer" has standing to sue for violations under 15 U.S.C.[A.] § 1692c.'"); ***Bank v. Pentagroup Fin., L.L.C.***, No. 08-5293, 2009 WL 1606420, at *12-13 (E.D. N.Y. June 9, 2009) (same); ***Sibersky v. Borah, Goldstein, Altschuler & Schwartz, P.C.***, No. 99-3227, 2000 WL 1448635, at *5 (S.D. N.Y. Sept. 28, 2000) ("[C]ertain sections of the FDCPA are violated only by certain conduct toward a 'consumer.'").

Christy, 905 F. Supp. 2d at 652-53.

In its Rule 1925(a) opinion, the trial court stated that it "has examined the issues raised in [Appellant's Rule 1925(b)] statement, and it appears that [Appellant's] analysis is correct." Trial Court Opinion, 2/25/26, at 1. The trial court explained,

> [t]his case arises out of [Appellant's] challenge under the federal [FDCPA] …, to a letter from Defendant dated July 9, 2024. The letter seeks collection of a debt from an ambulance company allegedly incurred by [Appellant's] minor son[,] T.L. It is addressed to "PARENT[] OF [T.L.,]" and indicates that Defendant is "trying to collect a debt *you* owe[.]" [Letter, 7/9/24] (emphasis added). In its preliminary objections, Defendant argued that [Appellant] did not have standing to sue under the FDCPA because

[Appellant] is not a "consumer" as defined therein. For the purposes of the FDCPA, a "consumer" is "any natural person obligated or allegedly obligated to pay any debt." 15 U.S.C.[A.] § 1692a(3). Defendant claimed that [Appellant] was not named [in the letter] in his individual capacity, but rather as a proxy for his son, who was the individual that had truly incurred the debt. Accordingly, as [Appellant] did not incur the debt in his individual capacity, Defendant argued [Appellant] cannot sue in his individual capacity.

The court ultimately sustained Defendant's preliminary objection on the basis of standing, finding that [Appellant] did not meet the definition of "consumer" under the FDCPA because he was not the individual specifically named in the debt collection letter. In support of this ruling, the court cited … ***Christy*** … for the proposition that "the father of a debtor was not a consumer under the FDCPA." [Trial Court Memorandum, 8/14/25.]

However, in [his Rule 1925(b)] statement, [Appellant] brings to the court's attention a critical distinguishing fact in ***Christy***. In that case, the debtor "consumer" was the adult son of the person seeking to sue, and the debt collector had mistakenly attempted to collect the debt from the consumer's father of the same name. The following language appears in ***Christy***:

> Here, [the p]laintiff does not qualify as a consumer as defined in § 1692a(3) and § 1692c(d). He is the father of an adult, *not minor*, debtor. Christy Dep. 8:14. He is not obligated on the … debt. ***Id.*** at 16:19–20. Also, he is not the debtor's spouse, *guardian*, executor, or administrator. Because he is not a consumer as defined by the FDCPA, he does not have standing to bring a § 1692c(b) claim and summary judgment must be granted in favor of [the d]efendant on this issue.

[***Christy***, 905 F. Supp. 2d] at 653 (emphasis added). This language implies that a person serving as the guardian of a minor who incurred a debt may be a "consumer" pursuant to § 1692a(3).

The debt in this case was incurred by a minor. The collection letter was addressed to "PARENT of [T.L.]" and not to T.L. personally. All parties agree that [Appellant] is the parent of T.L. Even though T.L. may have been the individual who incurred the

> debt, [Appellant] is legally responsible for that debt as the parent of T.L. Therefore, upon further consideration, the court concludes that [Appellant] is a "consumer" as defined by § 1692a(3) of the FDCPA, and possesses standing to sue. For that reason, the court respectfully suggests that the appealed order be reversed and the case remanded for further proceedings.

Rule 1925(a) Opinion, 2/25/26, at 1-3 (footnote omitted).

We agree with the trial court's analysis and conclusion. Our review of the amended complaint confirms that, at this stage of the proceedings, Appellant adequately pled facts which, if accepted as true, establish that he is a "consumer" under section 1692a(3). ***See Winner***, 345 A.3d at 756. The letter is addressed to "PARENT OF [T.L.]," and states that Defendant is "trying to collect a debt that ***you owe*** to GOOD FELLOWSHIP AMBULANCE." Letter, 7/9/24 (emphasis added). The letter is not addressed to T.L. and does not state that T.L. owes the debt. ***See id.***[7] We agree with the trial court that Appellant is a person "allegedly obligated to pay [a] debt," 15 U.S.C.A. §

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[7] Defendant argues that "Pennsylvania courts have … found that a parent is liable for his child's medical debts only to the extent he maintains a parental relationship and has a support obligation towards the child; the parent who contests the child's debt may do so insofar as he does so on behalf of the child in a representative capacity." Defendant's Brief at 10 (citing ***In re Mikasinovich***, 168 A. 506, 510 (Pa. Super. 1933), and ***Shaffer-Doan ex rel. Doan v. Com., Dep't of Pub. Welfare***, 960 A.2d 500, 515 (Pa. Cmwlth. 2008)). We observe that the letter did not state that Appellant's obligation to pay the debt was contingent on his maintenance of an active parental relationship or support obligation. ***See*** Letter, 7/9/24. We further observe that Appellant's FDCPA claims do not involve Appellant contesting T.L.'s debt. ***See generally*** Amended Complaint, 5/20/25.

1692a(3), and therefore has standing to pursue his FDCPA claims. The trial court is correct that its order was erroneous and warrants reversal.

Order reversed. Case remanded for further proceedings consistent with this memorandum. Jurisdiction relinquished.

Judgment Entered.

Benjamin D. Kohler

Benjamin D. Kohler, Esq.
Prothonotary

Date: 8/25/2026