



## Michael S. Poncin

Attorney

150 South Fifth Street  
Suite 1200  
Minneapolis, MN 55402

612-877-5290  
Mike.Poncin@lawmoss.com

**PRACTICE AREAS:** Financial Services, Litigation

---

In his nationwide civil litigation practice, Mike places significant emphasis on defending creditors, debt buyers, debt collectors, and lawyers in actions arising under:

- Fair Debt Collection Practices Act (FDCPA)
- Fair Credit Reporting Act (FCRA)
- Telephone Consumer Protection Act (TCPA)
- Additional federal and state laws and regulations

Mike provides advice and counsel on litigation and compliance issues across the United States, frequently securing decisions in his clients' favor. His areas of practice also include contract law and defense of consumer law claims.

Mike is a frequent presenter and lecturer on FDCPA, FCRA, and collection issues. He has helped shape debt collection law in various published cases that preserved and expanded the rights of debt collectors, debt buyers, and creditors. As a member of the ACA International Members' Attorney Program (MAP), Mike is approved by the ACA as counsel qualified to review collection notices for compliance with the FDCPA.

### Experience and Reported Decisions

- **Victorious defense of FDCPA claim based on the alleged failure to include an interest disclosure.** Devised strategy and defended a national collection action in an action that tried to expand upon existing U.S. Court of Appeals for the Second Circuit case law. Our client prevailed via summary judgment in which the U.S. District Court held that a collection agency was not required to include an interest disclosure statement when interest was not accruing. The decision was affirmed on appeal to the Second Circuit and thus nullified the attempt to expand negative case law.
- **Court decisions holding that tax consequence language did not violate the FDCPA.** Successfully obtained numerous decisions in multiple jurisdictions holding that the inclusion of

language in debt collection notices advising consumers of the potential tax consequence of debt settlement did not violate the Fair Debt Collection Practices Act.

Mike's reported cases include:

- *Remington v. Fin. Recovery Servs., Inc.*, No. 16 Civ. 865, 2017 WL 1014994, at \*4 (D. Conn. Mar. 15, 2017)
- *Everett v. Fin. Recovery Servs., Inc.*, No. 16 Civ. 1806, 2016 WL 6948052, at \*2, \*6 (S.D. Ind. Nov. 28, 2016)
- *Church v. Fin. Recovery Servs., Inc.*, 2018 WL 1383231 (W.D.N.Y. March 19, 2018)
- *Illobre v. Fin. Recovery Servs., Inc.*, 2016 WL 6581332 (S.D.N.Y. Nov. 3, 2016)
- *Antista v. Fin. Recovery Servs., Inc.*, No. 2:17-cv-3567 (WJM), 2017 WL 259771, at \*1 (D.N.J. Jan. 2, 2018)
- *Sutton v. Fin. Recovery Servs., Inc.*, 121 F. Supp. 3d 309, 313 (E.D.N.Y. 2015)
- *Taylor v. Fin. Recovery Servs., Inc.*, 252 F. Supp. 3d 344 (S.D.N.Y. 2017)
- *Taylor v. Fin. Recovery Servs., Inc.*, 886 F. 3d 212 (2nd Cir. 2018)
- *Feldheim v. Fin. Recovery Servs., Inc.*, 257 F. Supp. 3d 361 (S.D.N.Y. 2017)
- *Borozan v. Fin. Recovery Servs., Inc.*, No. 17-11542, 2018 WL 3085217 (D.N.J. June 22, 2018)
- *Degrasse v. Fin. Recovery Servs., Inc.*, No. 16-cv-3727 (KAM) 2018 WL 221461 (E.D.N.Y. March 5, 2018)
- *Jewsevskij v. Fin. Recovery Servs., Inc.*, 2016 WL 6162728 at \*4 (E.D. Pa. 2016)
- *Jewsevskij v. Fin. Recovery Servs., Inc.*, 704 Fed. App'x, 145, 147, 2017 WL 2992499 (3rd Cir. 2017)
- *Krieger v. Fin. Recovery Servs., Inc.*, No. 16-cv-1132 (EDNY July 7, 2016)
- *Karp v. Fin. Recovery Servs., Inc.*, 2013 WL 6734110 (W.D. Tex.)
- *Peters v. Fin. Recovery Servs., Inc.*, 46 F. Supp. 3d 915 (W.D. Mo. 2014)
- *Ranwick v. Texas Gila, LLC* 37 F. Supp. 3d 1053 (D. Minn. 2014)
- *Eaton v. Central Portfolio Control, Inc.*, No. 14-cv-747 (DSD/FLN), 2014 WL 6982807 (D. Minn. 2014)
- *Bow v. Ad Astra Recovery Servs., Inc.*, No. 18-0510-G, 2018 WL 3455510 (N.D. Tex. July 18, 2018)
- *Doyle v. Ad Astra Recovery Servs., Inc.*, 2018 WL 1169121 (D.N.J. March 6, 2018)
- *Kellar v. Fin. Recovery Servs., Inc.*, 2014 WL 129239 (D.N.D.)
- *Asbridge v. Fin. Recovery Servs., Inc.*, 2017 WL 1176418 (D. Col.)
- *Jae v. ChexSystems Inc.*, 2018 WL 3368871 (N.D. Ohio)

## Education

University of Minnesota Law School, J.D.; dean's list

St. Cloud State University, B.S.; *cum laude*

## Admissions

Minnesota

U.S. District Court for the District of Minnesota

U.S. District Court for the Eastern District of Arkansas

U.S. District Court for the Western District of Arkansas

U.S. District Court for the District of Colorado

U.S. District Court for the Central District of Illinois

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Illinois

U.S. District Court for the Northern District of Indiana

U.S. District Court for the Southern District of Indiana

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the Western District of Michigan

U.S. District Court for the Eastern District of Missouri

U.S. District Court for the District of Nebraska

U.S. District Court for the District of North Dakota

U.S. District Court for the Northern District of Ohio

U.S. District Court for the Eastern District of Texas

U.S. District Court for the Northern District of Texas

U.S. District Court for the Southern District of Texas

U.S. District Court for the Western District of Texas

U.S. District Court for the Eastern District of Wisconsin

U.S. District Court for the Western District of Wisconsin

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Sixth Circuit

## **News**

Court Operations Update

*Moss & Barnett Advocate (Spring 2021 edition)*, 05.26.2021

Michael S. Poncin and Michael T. Etmund Selected as ACA Attorney State Chairs

10.06.2016

## **Speaking Engagements**

Consumer Law: Innovative Strategies for Avoiding and Defeating TCPA Lawsuits

Minnesota CLE Webcast, 01.10.2019

How to Write Collection Letters that Avoid FDCPA Claims

2018 ACA International Annual Convention and Expo, Music City Center, Nashville, TN, 07.25.2018

Protect Your Assets! Protect Your Assets! Four Things You Need to Know for Call Center Compliance

2016 ACA International Annual Convention and Expo, Hyatt Regency Denver and Colorado Convention Center, Denver, CO, 06.18.2016

ARM Industry Pressures: A Frank Conversation with Industry Experts on Challenges and Best Practices

Interactive Intelligence Live Webinar, 11.17.2015

Recent Court Decisions On Leaving Messages: Impact On Your Call Center Operations

ACA International 2015 Convention & Expo, Sheraton Boston & Hynes Convention Center, Boston, MA, 07.19.2015

Current Trends in Consumer Litigation

insideARM's Larger Market Participant Summit, Washington, D.C., 04.23.2015

## **Professional Associations**

ACA Members' Attorney Program

American Bar Association

Minnesota State Bar Association

Hennepin County Bar Association

