

MEMORANDUM DECISION

Pursuant to Ind. Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



APPELLANT *PRO SE*

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IN THE COURT OF APPEALS OF INDIANA

William V. Vincent,
*Appellant / Defendant / Counter-Claim
Plaintiff,*

v.

Receivables Management
Partners, LLC,
*Appellee / Plaintiff / Counter-Claim
Defendant.*

June 11, 2021

Court of Appeals Case No.
20A-SC-1539

Appeal from the Vanderburgh
Superior Court

The Honorable Donald R. Vowels,
Magistrate

Trial Court Cause No.
82D07-2001-SC-355

Bradford, Chief Judge.

Case Summary

[1] Receivables Management Partners, LLC (“RMP”) initiated an action to recover \$666.78 from William Vincent. Vincent contested RMP’s claims and filed a counterclaim, alleging that RMP had violated the Federal Fair Debt Collection Practices Act (“FDCPA”). The small claims court found in favor of RMP. We affirm.

Facts and Procedural History

[2] On at least three occasions prior to the initiation of the underlying action, Vincent had received medical treatment from Deaconess Health System. Deaconess’s billing office subsequently assigned Vincent’s past-due accounts to RMP for the purpose of collection. On January 14, 2020, RMP sought to recover \$666.78 from Vincent. The sum reflected the following three unpaid bills:

Date of Service	Amount Due
3/30/2017	\$95.39
4/23/2018	\$559.82
11/06/2018	\$11.57

Appellant’s App. p. 5. On February 11, 2020, Vincent responded to RMP’s complaint, claiming that the \$559.82 bill was not a valid debt as it had been paid in full and that the \$95.39 and \$11.57 bills had previously been litigated in

and dismissed with prejudice by another court. Vincent also filed a counterclaim against RMP, claiming that RMP had violated the FDCPA by attempting to collect prejudgment interest, attorney's fees, court costs, and a court filing fee.

- [3] On July 20, 2020, the small claims court found in favor of RMP “in the sum of \$666.78, plus pre-judgment interest of \$62.52, and \$500.00 [in] attorney fees for a total of \$1229.30 plus interest.” Order. The small claims court further denied Vincent's counter claim.

Discussion and Decision

- [4] At the outset, we note that our review is made difficult by the largely nonconforming nature of Vincent's appellate brief, which does not contain citations to the record or to relevant authority¹ and, at times, lacks cogent argument. *See* Ind. Appellate Rule 46(A)(6) & (8). However, despite these deficiencies, we will nonetheless attempt to address the merits of Vincent's contentions.

- [5] This matter was litigated in a small claims court.

Judgments rendered by a small claims court are subject to review as prescribed by relevant Indiana rules and statutes. The Indiana trial rules apply to small claims proceedings to the extent that they do not conflict with the small claims court rules. Pursuant

¹ While Vincent alludes to the FDCPA, he does not provide a citation for the act.

to Trial Rule 52(A), the findings or judgments rendered by a small claims court are upheld unless they are clearly erroneous. Because small claims courts were designed to dispense justice efficiently by applying substantive law in an informal setting, this deferential standard of review is particularly appropriate. We consider the evidence most favorable to the judgment and all reasonable inferences to be drawn from that evidence. However, we still review issues of substantive law de novo. The burdens of proof are the same in a small claims suit as they would have been if suit had been filed in a trial court of general jurisdiction.

N. Ind. Pub. Serv. Co. v. Josh's Lawn & Snow, LLC, 130 N.E.3d 1191, 1193 (Ind. Ct. App. 2019) (internal quotation and citations omitted).

[6] Vincent argues that the small claims court erred in entering judgment in favor of RMP because the \$559.82 bill was not a valid debt as it had been paid in full. RMP argues otherwise, asserting that the money paid by Vincent was for costs associated with the physician and not the \$559.82 in facility fees. Vincent also argues that the \$95.39 and \$11.57 bills had previously been litigated in and dismissed with prejudice by another court. For its part, RMP again argues otherwise. Vincent further argues that RMP failed to send FDCPA-required notices and responses relating to the debts. RMP does not provide copies of the notices and responses but provides dates on which it argues such notices and responses were sent to Vincent. These arguments were all allegedly raised before the small claims court prior to the court's ruling in RMP's favor. Based on the limited nature of the record before us, we cannot say that the small claims court's order in favor of RMP is clearly erroneous.

- [7] Vincent further claims that the award of pre-judgment interest, attorney's fees, and costs was not permitted under the FDCPA. While Vincent refers to Section 808-1 of the FDCPA in his appellate brief, he has failed to support his allegation with a complete or accurate citation to any section of the FDCPA. He has also wholly failed to reference any other relevant case law. For its part, RMP cites to Indiana Code section 24-4.6-1-103(b), which allows for pre-judgment interest. Again, based on the limited nature of the record before us, we conclude that Vincent has failed to meet his burden of proving that the award of pre-judgment interest, attorney's fees, and costs was clearly erroneous.
- [8] The judgment of the small claims court is affirmed.

Vaidik, J., and Brown, J., concur.