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DISTRICT II

May 22, 2013

To:

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Circuit Court Judge
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Douglas A. Shireman
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You are hereby notified that the Court has entered the following opinion and order:

2012AP377

Citibank South Dakota NA v. Douglas A. Shireman
(L.C. # 2011CV169)

Before Brown, C.J., Reilly and Gundrum, JJ.

Douglas A. Shireman appeals from a circuit court order granting summary judgment to Citibank South Dakota N.A. (Citibank) and denying his motions to dismiss. Based on our review of the briefs and record, we conclude at conference that this case is appropriate for summary disposition. *See* WIS. STAT. RULE 809.21 (2011-12).¹ We affirm the order of the circuit court.

In May 2010, Citibank's attorneys mailed Shireman a demand letter in an attempt to collect on a credit card debt. Shireman responded with a letter disputing the debt. Citibank's

¹ All references to the Wisconsin Statutes are to the 2011-12 version.

attorneys then mailed him a verification of the debt which contained the name and address of the original creditor, the original account number, and the amount allegedly owed.

In February 2011, Citibank filed suit against Shireman for the amount allegedly owed on his credit card account. Shireman filed an answer, denying the allegations. Citibank subsequently moved for summary judgment, and Shireman responded with motions to dismiss.

Following a hearing on the matter, the circuit court granted summary judgment to Citibank and denied Shireman's motions to dismiss. This appeal follows.

We review de novo the grant or denial of summary judgment, employing the same methodology as the circuit court. *Green Spring Farms v. Kersten*, 136 Wis. 2d 304, 314-15, 401 N.W.2d 816 (1987). Summary judgment is proper when there are no genuine issues of material fact and one party is entitled to judgment as a matter of law. WIS. STAT. § 802.08(2).

On appeal, Shireman contends that the circuit court erred in granting summary judgment to Citibank and denying his motions to dismiss. Specifically, he asserts that the verification mailed to him by Citibank's attorneys was insufficient under the Fair Debt Collection Practices Act (FDCPA), 15 U.S.C. § 1692 *et seq.* (2006).

We conclude that the verification mailed by Citibank's attorneys to Shireman was sufficient under the FDCPA.² As noted, the verification contained the name and address of the

² As one court has explained, "verification of a debt involves nothing more than the debt collector confirming in writing that the amount being demanded is what the creditor is claiming is owed" and "is only intended to eliminate ... the problem of debt collectors dunning the wrong person or attempting to collect debts which the consumer has already paid." *Chaudhry v. Gallerizzo*, 174 F.3d 394, 406 (4th Cir. 1999) (citations and quotations omitted).

original creditor, the original account number, and the amount allegedly owed. Reviewing this information, Shireman could not have reasonably questioned what account this was for, who the money was owed to, and how much was being demanded. Accordingly, the circuit court was correct in granting summary judgment to Citibank and denying Shireman's motions to dismiss.

Upon the foregoing reasons,

IT IS ORDERED that the order of the circuit court is summarily affirmed, pursuant to WIS. STAT. RULE 809.21.

Diane M. Fremgen
Clerk of Court of Appeals