

RESPONDEAT SUPERIOR

Blacks Law Dictionary, Revised Fourth Edition; Let the master answer. This maxim means that a master is liable in certain cases for the wrongful acts of his servant, and a principal for those of his agent. Broom, Max. 843. *Southern Paramount Pictures Co. v. Gauling*, 24 Ga.App. 478, 101 S.E. 311; *Delaware, L. & W. R. Co. v. Pittinger*, C.C.A.N.J., 293 F. 853, 855. Under this doctrine master is responsible for want of care on servant's part toward those to whom master owes duty to use care, provided failure of servant to use such care occurred in course of his employment. *Shell Petroleum Corporation v. Magnolia Pipe Line Co.*, Tex.Civ.App., 85 S.E.2d 829, 832. Doctrine applies only when relation of master and servant existed between defendant and wrongdoer at time of injury sued for, in respect to very transaction from which it arose. *James v. J.S Williams & Son*, 177 La. 1033, 150 So. 9, 11. Hence doctrine is inapplicable where injury occurs while servant is actin outside legitimate scope of authority. *Rogers v. Town of Black Mountain*, 224 N.C. 119, 29 S.E.2d 203,205.

Hernandez v. Midland Credit Mgmt., Inc., 2006 WL 695451 (N.D. Ill. Mar. 14, 2006). Allegation showing that the defendant Encore at least "indirectly" engaged in the collection of a debt for a third party were adequate to state a claim that the defendant was a "debt collector" under the FDCPA. Encore is a debt buyer that owns Midland which was collecting the debt by sending out a notice for Encore.

United States v. ACB Sales & Serv., Inc., 590 F. Supp. 561 (D. Ariz. 1984). The officers of a collection agency are not liable for an FDCPA violation to which they did not participate absent piercing of corporate veil. Parent corporation which solicited accounts for and supervised the collection activities of local subsidiaries is a debt collector liable for violation of subsidiaries since entire group of corporations are single economic enterprise.

Martinez v. Albuquerque Collection Servs., 867 F. Supp. 1495 (D. N.M. 1994). "Debt collectors employing attorneys or other agents to carry out debt collection practices that violate the FDCPA are vicariously liable for their agent's conduct."

Gathing v. Mortgage Elec. Registration Sys., Inc., 2010 WL 889945 (W.D. Mich. Mar. 10, 2010). Since FDCPA prohibits actions and unfair practices that may not involve communicating directly with the consumer, pro so allegations that co-defendant was debt collector's servicing agent and that co-defendant debt collector is vicariously liable for its servicing agent's acts under the doctrine of **respondeat superior**, survives motion to dismiss. Summary judgment denied where co-defendant servicing agent offers no support for its contention that statements made in a letter that also includes language required by law or in a response to an inquiry by a plaintiff are exempt from compliance with the FDCPA.