

[PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

No. 99-6189

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
APR 06 2000
THOMAS K. KAHN
CLERK

D. C. Docket No. 98-02422-CV-PT-E

PATRICIA PELFREY, on behalf of herself and the class described herein,

Plaintiff-Appellant,

versus

EDUCATIONAL CREDIT MANAGEMENT CORPORATION,

Defendant-Appellee.

Appeal from the United States District Court
for the Northern District of Alabama

(April 6, 2000)

Before TJOFLAT and MARCUS, Circuit Judges, and KRAVITCH, Senior Circuit
Judge.

PER CURIAM:

We affirm the judgment of the district court granting the defendant’s motion for judgment as a matter of law on the ground that the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq. (1994), does not apply to the defendant, because the defendant is a “person collecting or attempting to collect any debt owed or due or asserted to be owed or due another to the extent such activity . . . is incidental to a bona fide fiduciary obligation” 15 U.S.C. § 1692a(6)(F)(i). See Pelfrey v. Educational Credit Management Corp., 71 F. Supp. 2d 1161, 1172-74, 1179-80 (N.D. Ala. 1999).

AFFIRMED.