**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF NEW YORK**

# Robert D. Zigman v. Meyers, Saxon & Cole, Irwin Meyers, and Robert Saxon

Zigman · No. 2:23-cv-8954 (NJC) (AYS) · Decided February 25, 2026

## SUMMARY

The Eastern District of New York grants Defendants' motion for summary judgment on Robert D. Zigman's Fair Debt Collection Practices Act claims. The court holds that property owners' association assessments arising from Zigman's purchase of Pennsylvania building lots were not debts incurred primarily for personal, family, or household purposes under the FDCPA. The court declines supplemental jurisdiction over Zigman's New York General Business Law claim and dismisses it without prejudice, with leave to refile in state court.

## CASE DETAILS

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| COURT | United States District Court for the Eastern District of New York |
| WRITING FOR THE COURT | Nusrat J. Choudhury |
| JURISDICTION | United States District Court for the Eastern District of New York |
| DECIDED | February 25, 2026 |
| DOCKET | 2:23-cv-8954 (NJC) (AYS) |
| DISPOSITION | other |
| PROCEDURAL POSTURE | The parties filed cross-motions for summary judgment in an action asserting claims under the Fair Debt Collection Practices Act and New York General Business Law § 349. The district court granted defendants' motion on the FDCPA claims, denied plaintiff's cross-motion, and declined supplemental jurisdiction over the remaining state-law claim. |
| STANDARD OF REVIEW | Summary judgment is appropriate when there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The court construed the facts in the light most favorable to the nonmoving party and required admissible evidence sufficient to create a genuine issue for trial. |
| PRECEDENTIAL VALUE | unpublished district court opinion; persuasive only |

## TOPICS

fair debt collection · consumer protection · summary judgment · civil procedure · statutory interpretation

## PRACTICE AREAS

consumer protection · fair debt collection · civil procedure · real estate

## QUESTIONS PRESENTED

1. Whether the obligations for unpaid property-owners' association assessments arose from transactions primarily for personal, family, or household purposes and therefore constituted debts covered by the FDCPA.
2. Whether defendants were entitled to summary judgment on Zigman's FDCPA claims because the record lacked evidence creating a genuine dispute that the obligations were consumer debts.
3. Whether the court should exercise supplemental jurisdiction over Zigman's New York General Business Law § 349 claim after disposing of all federal claims.

## HOLDINGS

1. The obligations did not qualify as FDCPA debts because Zigman failed to provide evidence from which a reasonable inference could be drawn that he purchased the underlying lots for personal, family, or household purposes.
2. Defendants were entitled to summary judgment because Zigman failed to identify admissible evidence creating a genuine dispute of material fact on the consumer-purpose requirement.
3. The court declined to exercise supplemental jurisdiction over the NYGBL claim after dismissing all claims within its original federal-question jurisdiction.

## KEY QUOTATIONS

> *"whether an obligation is a 'debt' depends . . . upon the purpose for which it was incurred."* (Discussion § I)

> *"it is not enough for Zigman to show that he is an unsophisticated purchaser without some material evidence tending to show that he purchased the property for a "primarily personal, family, or household" purpose."* (Discussion § I)

> *"Having granted summary judgment on the federal claims brought by Zigman for the reasons set forth above, I decline to exercise supplemental jurisdiction over Zigman's New York General Business Law claim."* (Conclusion)

## FACTUAL BACKGROUND

Zigman purchased several building lots in Pennsylvania associated with Indian Rocks and The Hideout, although he could not recall the number, location, purchase price, purpose, or even whether he still owned them. He never resided on or developed the lots and did not pay property-owners' association assessments. Defendants represented the associations in two New York collection actions that resulted in default judgments against Zigman for $11,602.72 and $117,364.57; service was made at an address appearing on Zigman's driver's license, though Zigman testified that he had not lived there for approximately twenty years. Zigman later asserted that the collection efforts violated the FDCPA and NYGBL because the underlying actions allegedly involved defective service and misleading documentation.

### PROCEDURAL HISTORY

Plaintiff commenced the action on December 6, 2023. Following discovery, the parties filed cross-motions for summary judgment. The court determined that the undisputed record did not establish that the obligations underlying two property-owners' association assessment judgments were consumer debts under the FDCPA, granted defendants summary judgment on the federal claims, dismissed the NYGBL claim without prejudice and with leave to refile in state court, and directed the clerk to close the case.

### DISPOSITION

other

### REMAND INSTRUCTIONS

The NYGBL claim was dismissed without prejudice and with leave to refile in state court. The clerk was directed to enter judgment consistent with the memorandum and order and close the case.

### CASES CITED

- Cunningham v. Cornell Univ., 86 F.4th 961, 980 (2d Cir. 2023), rev'd on other grounds, 145 S. Ct. 1020 (2025)
- Balderramo v. Go N.Y. Tours Inc., 668 F. Supp. 3d 207, 219 (S.D.N.Y. 2023)
- Celotex Corp. v. Catrett, 477 U.S. 317, 323 (1986)
- Jaramillo v. Weyerhaeuser Co., 536 F.3d 140, 145 (2d Cir. 2008)
- Hicks v. Baines, 593 F.3d 159, 166 (2d Cir. 2010)
- Newman v. Boehm, Pearlstein & Bright, Ltd., 119 F.3d 477, 481 (7th Cir. 1997)
- Haddad v. Alexander, Zelmanski, Danner & Fioritto, PLLC, 698 F.3d 290, 293 (6th Cir. 2012)
- Agrelo v. Affinity Management Services, LLC, 841 F.3d 944, 951 (11th Cir. 2016)
- Rosa v. Mandarich Law Group, LLP, No. 22-cv-4720, 2024 WL 871209, at *5-*8 (S.D.N.Y. Feb. 29, 2024)
- Scarola Malone & Zubatov LLP v. McCarthy, Burgess & Wolff, 638 F. App'x 100, 102-03 (2d Cir. 2016)
- Nicolaides v. Divine & Serv., Ltd., 382 F. Supp. 3d 251, 254, 258 (E.D.N.Y. 2019)
- Eades v. Kennedy, PC Law Offices, 799 F.3d 161, 170 (2d Cir. 2015)
- Cohen v. Rosicki, Rosicki & Associates, P.C., 897 F.3d 75, 83 (2d Cir. 2018)
- Jones v. New Penn Financial, LLC, No. 19-cv-1493, 2020 WL 8771252, at *4 (E.D.N.Y. Nov. 13, 2020), report and recommendation adopted, 2021 WL 405888 (E.D.N.Y. Feb. 5, 2021)
- Akinfaderin-Abua v. Dimaiolo, No. 13-cv-3451, 2014 WL 345690, at *3 (D.N.J. Jan. 30, 2014)
- Van Note v. Specialized Loan Servicing, LLC, No. 21-cv-12022, 2022 WL 2209867, at *4 (D.N.J. June 21, 2022)

- Pape v. Law Offices of Frank Peluso, No. 3:13-cv-63, 2016 WL 53821, at *3-*4 (D. Conn. Jan. 5, 2016)
- Ballard v. Equifax Check Services, Inc., 158 F. Supp. 2d 1163, 1170 (E.D. Cal. 2001)
- Burton v. Kohn Law Firm, S.C., 934 F.3d 572, 580 (7th Cir. 2019)
- Boosahda v. Providence Dane LLC, 462 F. App'x 331, 335 (4th Cir. 2012)
- Gallo v. Prudential Residential Services, Ltd. Partnership, 22 F.3d 1219, 1223 (2d Cir. 1994)
- F.D.I.C. v. Great American Insurance Co., 607 F.3d 288, 292 (2d Cir. 2010)
- Marx v. General Revenue Corp., 568 U.S. 371, 385 (2013)
- Alibrandi v. Financial Outsourcing Services, Inc., 333 F.3d 82, 87 (2d Cir. 2003)
- Pipiles v. Credit Bureau of Lockport, Inc., 886 F.2d 22, 27 (2d Cir. 1989)
- Clark v. Capital Credit & Collection Services, Inc., 460 F.3d 1162, 1176 (9th Cir. 2006)
- Johnson v. Riddle, 305 F.3d 1107, 1117 (10th Cir. 2002)
- Chinniah v. FERC, 62 F.4th 700, 703 (2d Cir. 2023)
- Cohen v. Postal Holdings, LLC, 873 F.3d 394, 405 (2d Cir. 2017) (Calabresi, J., concurring)

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