

MISSOURI V. FLORIDA: Prerecorded Debt Collection Calls Get MOHELA Into Trouble in the Sunshine State

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Can a non-profit corporation created by the State of Missouri be sued under the TCPA in the state of Florida?

According to the Florida district court the answer is yes!

But before we get there, why in the world did the Defendant not seek to move this case to Missouri before moving to dismiss? The world may never know.

In *Coffey v. Higher Education Loan Authority of the State of Missouri* 2025 WL 770396 (M.D. Fl. March 11, 2025) the Plaintiff sued claiming she received prerecorded debt collection calls without prior express written consent.

Pause.

Prior express *written* consent isn't required for such calls. So this entire complaint should have been thrown out immediately.

But, the good folks at MOHELA (as the Defendant styles itself) had different plans. Rather than attack the obvious they argued Plaintiff could not sue it at all because it is entitled to something called sovereign immunity.

Sovereign immunity is a state or federal government's ability to do whatever it wants to folks and not be sued for it. Essentially we all give up our rights to complain about what the government does when we agreed (through our forefathers without our consent) to be bound by the rules of this great country and each of its various commonwealths.

But sovereign immunity does not apply to every entity created by a state. It only applies to actions of the state or federal government taken directly. And in this case the MOHELA was set up to act independently of the state of Missouri and with its own pool of money and source of income separate and apart from the state. So, in essence, a judgment against MOHELA is not a judgment against the Show-Me state.

All that was left was to determine whether MOHELA was a “person” under the TCPA. Recall there is a [dizzying analysis required to determine whether government officials qualify as “people”](#) who can be sued under the TCPA. But here the Court had little trouble analyzing the issue because MOHELA is set up as a corporation– and corporations are specifically listed as “persons” governed by the statute.

So there you go, MOHELA can be sued for doing something that it shouldn’t be sued for because it brought the wrong argument. Nice!

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National Law Review, Volume XV, Number 73

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