

Real Property, Financial Services, & Title Insurance Update: Week Ending March 19, 2021

March 19, 2021

Real Property Update

No cases of interest to report.

Financial Services Update

- **FCRA:** Charged off account appearing on credit report was not a factual inaccuracy, but a legal dispute, and could not sustain cause of action under FCRA – [Erenthal v. Experian Info. Sols., Inc.](#), No. 2:20-cv-02785 (C.D. Cal. Feb. 26, 2021) (granting motions to dismiss with prejudice)
- **FCRA:** Reduced credit score does not by itself constitute actual damages to support class members’ standing, and plaintiffs failed to show they have a viable plan to prove actual damages on a classwide basis – [Franklin v. Midwest Recovery Sys., LLC](#), No. 8:18-cv-02085 (C.D. Cal. Feb. 5, 2021) (granting in part and denying in part motion for class certification)
- **FDCPA:** Creditor’s letter to consumer did not violate FDCPA where letter contained two separate mailing addresses and website contained two additional addresses because even the least sophisticated consumer should be able to deduce that the creditor’s address is the one that appears below its name three times – [Rajkumar v. FBCS, Inc.](#), No. 1:20-cv-00218 (S.D.N.Y. Mar. 12, 2021) (granting motion to dismiss)

Title Insurance Update

- **Unauthorized Rates:** The statutory immunity for “act[s] done ... pursuant to the authority conferred” by the rate filing statutes does not shield title insurers from suit for charging unauthorized rates, and the insurance commissioner does not have exclusive jurisdiction over such claims – [Villanueva v. Fidelity Nat’l Title Co.](#), No. S252035 (Cal. Mar. 18, 2021) (reversed)

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