

Real Property, Financial Services, & Title Insurance Update: Week Ending August 28, 2020

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Real Property Update

No cases of interest this week.

Financial Services Update

- **TCPA / Standing & Remand:** defendant failed to establish plaintiff's standing where plaintiff received a single unsolicited text message from defendant - [Jenkins v. Simply Healthcare Plans, Inc.](#), No. 20-22677-CIV-ALTONAGA/Goodman (S.D. Fla. Aug. 17, 2020) (granting plaintiff's motion to remand)
- **ECOA / Sufficiency of Pleading:** plaintiff failed to demonstrate that he was a member of a protected class, that he was qualified for credit, and that he was denied credit despite being qualified - [Cleveland v. Dep't of Agric.](#), No. 1:20-cv-01140-NONE-JLT, 2020 WL 5017607 (E.D. Cal. Aug. 25, 2020) (granting motion to dismiss without prejudice)

Title Insurance Update

- **Election of Remedies / Settlement with Title Insurer:** the doctrine of election of remedies does not preclude an insured who settles a claim with its title insurer for a nominal amount from making an equitable claim that third party had encroached on her property - [Leonard v. Pantich](#), No. A-5645-18TI (N.J. Ct. App. Aug. 27, 2020) (opinion affirming trial court's judgment after non-jury trial)

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