

Financial Services Update: Week Ending December 28, 2018

December 28, 2018

Financial Services Update

- **TILA / Disclosure Statements:** TILA not applicable to loan servicer, and alleged inaccuracies in disclosure statement were not facially inaccurate because the statement was issued before the extension of credit setting forth the terms of the loan - [Hackett v. Bayview Loan Servicing, LLC](#), No. 18-cv-01286 (D. Md. Dec. 27, 2018) (dismissing case)
- **FDCPA / Statute of Limitations:** following majority view in treating each alleged violation of collection of unauthorized amounts (section 1692f) as a discrete violation, even if relating to an earlier assertion - [Segovia v. Phoenix Recovery Grp.](#), No. SA-18-CV-340-XR (W.D. Tex. Dec. 26, 2018) (denying summary judgment on limitations but granting on other grounds)
- **TCPA / Faxes / Strict Liability:** rejecting argument that entity was subject to “sender” liability under the TCPA where it was unaware information concerning its product was included in a fax it did not send or cause to be sent - [Garner Props. & Mgmt., LLC v. Marblecast of Michigan, Inc.](#), No. 17-11439 (E.D. Mich. Dec. 26, 2018) (granting summary judgment)

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