

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)

Related Practices

[Real Property Litigation](#)

[Consumer Finance](#)

[Title Insurance](#)

©2024 Carlton Fields, P.A. Carlton Fields practices law in California through Carlton Fields, LLP. Carlton Fields publications should not be construed as legal advice on any specific facts or circumstances. The contents are intended for general information and educational purposes only, and should not be relied on as if it were advice about a particular fact situation. The distribution of this publication is not intended to create, and receipt of it does not constitute, an attorney-client relationship with Carlton Fields. This publication may not be quoted or referred to in any other publication or proceeding without the prior written consent of the firm, to be given or withheld at our discretion. To request reprint permission for any of our publications, please use our Contact Us form via the link below. The views set forth herein are the personal views of the author and do not necessarily reflect those of the firm. This site may contain hypertext links to information created and maintained by other entities. Carlton Fields does not control or guarantee the accuracy or completeness of this outside information, nor is the inclusion of a link to be intended as an endorsement of those outside sites.