Shelling it Out– New Ruling Shows CIPA Cases Can Be Even More Dangerous than TCPA

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Shelling it Out– New Ruling Shows CIPA Cases Can Be Even More Dangerous than TCPA

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Quick one for you TCPAWorld.

In Collins v. Enver Solar, SACV19-00146-JLS-KES, 2021 U.S. Dist. LEXIS 115616 (C.D. Cal. May 26, 2021) we get a peek at how dangerous claims under California’s famous Invasion of Privacy Act (CIPA) can be.

The case law is in flux around CIPA–maybe I should start CIPAworld.com?–but the claims carry a $5,000.00 per violation price tag, which is literally 10x worse than the TCPA’s comparatively meager $500.00 base violation cost.

In Collins the Defendant fell into default–never a good idea–and the Court granted judgment on six (count ‘em 6) phone calls. As to the TCPA the Court found the first call wasn’t a willful violation but all calls after Plaintiff allegedly asked for calls to stop were trebled. By my advanced mathematical calculations, that brings the TCPA judgment to $8k ($500 + $1,500(7)=$8,000.)

Meanwhile those same six phone calls–which were allegedly recorded by Defendant without consent in violation of CIPA–resulted in liability of $5,000.00 additional
dollars each, or $30k total.

So overall judgment on six phone calls was $38k against the Defendant. Probably just disclose the call is being recorded next time– but be sure not to use a pre-recorded voice to do it!

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