

Class Action Complaint Alleges Mortgage Company Illegally Records Consumer Phone Calls - And They Are Not Alone

Kauffman v. Lend-A-Loan, LLC
U.S.D.C., S.D. Cal., Case No. 22-cv-1911-
BEN-DEB

SAN DIEGO, CALIFORNIA, UNITED STATES, December 6, 2022

/EINPresswire.com/ -- On December 2, 2022, the Swigart Law Group, APC, filed a federal lawsuit against Lend-A-Loan, LLC ("Lend-A-Loan") on behalf of Plaintiff David Kauffman. The complaint alleges violations of the California Invasion of Privacy Act ("CIPA") Cal. Penal Code § 630 et seq., specifically § 632.7, for the unlawful recording of telephone calls. The complaint seeks both injunctive relief and monetary damages on behalf of Mr. Kauffman.

Sometime in November 2022, Lend-A-Loan obtained Mr. Kauffman's contact information after Mr. Kauffman applied for a home equity line of credit with a bank. On December 1, 2022, an agent representing Lend-A-Loan contacted Mr. Kauffman via phone in an attempt to sell Mr. Kauffman a mortgage. At no point prior to the phone conversation did the agent state Lend-A-Loan recorded its telephone conversations nor did the agent seek Mr. Kauffman's consent to the



recording. Lend-A-Loan did not admit to the unlawful recording until the fourth minute of the telephone conversation, only after Mr. Kauffman asked the agent if Lend-A-Loan recorded the call.

In 1967, the California Legislature sought to protect California residents from a plethora of privacy invasions, including the unlawful recording of telephone conversations. The California Penal Code § 632.7 requires a party to a telephone conversation to obtain consent from the other party prior to recording the phone call. If a party does not obtain consent, that party must not record the conversation, or the party violates CIPA. Any violation of § 632.7 carries an automatic statutory damages penalty of \$5,000 per violation.

Lend-A-Loan is not alone in its violation of CIPA. Businesses across the country routinely engage in the unlawful recording of telephone conversations with consumers like Mr. Kauffman. Whether by choice or pure absent-mindedness, businesses like Lend-A-Loan still record consumers' phone calls without first seeking the consumer's consent. California residents must remember their rights each and every time they speak on the phone with a business, regardless of whether the consumer has regularly used the services of that business in the past.

[See a copy of the Swigart Law Group complaint here.](#)

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