

US Supreme Court Refuses To Hear CA Car Buyers' Rights Case Against TD Bank, Keeps Access to Lawyers Who Sue Car Dealers

US Supreme Court refuses TD Bank's appeal of CA ruling that holds them liable for bad acts of car dealers including attorney fees, keeping door open for needy.

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/EINPresswire.com/ -- In a win for car buyers' rights against fraud committed by small California car dealers, on January 9, 2023, the United States Supreme Court declined to consider an appeal by the global finance giant TD Bank's finance company TD Auto Finance LLC, in TD Bank, N.A. v. Pulliam, et al. This ruling leaves a pro-consumer California Supreme Court ruling, [Case No. S267576](#), on the books and a door to justice open for abused buyers.



On behalf of Ms. Tania Pulliam, the law firm [Auto Fraud Legal Center LLP](#), based in San Diego and serving buyers across the state, was victorious in a claim against HNL Automotive Inc. for fraudulent acts committed during the sale of the car. Specifically, the car was not sold for the advertised price and did not come with the features the buyer was led to believe were included. The much larger financing company, TD Auto Finance, which was assigned the installment contract, was included in the case as AFLC asserted it was liable for the dealership's behavior under what is known as the FTC Holder Rule.

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Christopher "Hawk" Barry

Under this rule, the consumer can bring any claims they

have against the dealer against the holder of their contract.

As a practical result, this protects consumers from car dealers that cheat them and then go out of business or disappear rather than pay the costs of a losing case. Because the consumer can sue the holder and recover their money and have their attorney's fees paid, consumers have access to lawyers willing to take their case without being paid by their client prior to the legal action.

TD Bank was looking to overturn the California Supreme Court's May 26, 2022 Opinion in Pulliam v. HNL Automotive Inc. (2022) 13 Cal.5th 127 for relief from paying Ms. Pulliam's attorney's fees, which in this case greatly exceed the cost of the vehicle sold and the payments it collected. The California Supreme Court interpreted the FTC protection includes the consumer's ability to recover attorney's fees against the holder when the claim is brought pursuant to a consumer statute that enables the consumer to recover their attorney's fees and costs.

Two California laws that protect consumers, the Consumers Legal Remedies Act and the Song-Beverly Consumer Warranty Act, each enable a prevailing consumer plaintiff to recover their attorney's fees, which enables firms like the industry-leading AFLC, to provide its services on a contingency basis.

"Our clients are often less educated, earn lower incomes, have much lower credit scores than the average Californian and are all too often preyed upon by licensed car dealers, who mislead them as part of their purchase of a used car," says [Christopher "Hawk" Barry](#), AFLC's Managing Partner.

Hawk continued, "We are only able to provide the comprehensive legal representation that we do if we have a strong likelihood of collecting our fees from either the dealer or a more financially stable group. The finance companies who hold these contract should not be able to profit from their dealer partner's misbehavior and leave our clients without recourse when they've been cheated."

TD Bank had argued that the FTC's Holder Rule only allowed the consumer to recover their payments under the contract and did not extend to attorney's fees that in this case exceeded the sum of the payments. With the United States Supreme Court rejecting the case, the California Supreme Court's ruling remains the law in California, thus continuing the protection provided to Californians by its vast consumer protection laws.

As they have been for thousands of others for over 20 years, the Auto Fraud Legal Center represented Ms. Pulliam from the filing of her case in September 2016, through trial in April 2018, and throughout the appellate process in California. Gupta Wessler, one of the nation's premier appellate firms, handled the briefing with the United States Supreme Court.

Californians who believe they have been lied to or misled about factors such as an undisclosed

prior accident, the increasing instances of odometer tampering, or many other all too common deceptive dealer practices should reach out to the Auto Fraud Legal Center LLP at autofraudlegalcenter.com.

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