

The Big Money Keeps Flowing: \$9.5MM TCPA Settlement Approved for Mortgage Servicer

Article By:

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Another day, another multi-million dollar TCPA settlement.

As I [explained earlier this month, these big-dollar TCPA settlements are \(finally\) on the wane](#) in light of the statute's [major constitutional infirmities](#) and work by Courts of Appeals ([particularly the Eleventh Circuit](#)) to shut down the [plaintiff's bar's golden goose](#).

But a few wrap up suits stemming from earlier eras of uncertainty continue to wind their way through the system.

Most recently a mortgage company settled out all TCPA liability for all calls to members of its servicing portfolio for \$9.5MM dollars. The class is extremely broad and the company—Freedom Mortgage—will be receiving a nice broad release. The class included every customer it called in its servicing portfolio—even if the call was made to a landline manually and regardless of the purpose of the call. While some might question why the mortgage company would settle with so many people that didn't have a valid claim, I see the wisdom here—if you're writing a check that big you might as well get full coverage.

That said, the class definition is limited to "clients" of Freedom that received calls, so it does *not* seem to include wrong number calls within the class. That's a little odd, but I'm on the outside looking in here so maybe there is more to the story.

Class counsel—the always dangerous Avi Kaufman—will net a cool \$3MM dollars (notably, class counsel wanted their share of the settlement payment expedited but the court held he had to wait for his money until distribution to the class was made).

The Court also expressly rejected *Johnson* – [the big Eleventh Circuit decision killing incentive awards](#)—and awarded \$5k each to the three named class representatives.

So— \$3mm for lawyers, \$5k for class representatives, and 75 bucks for class members.

Actually better than most of these settlements. ***shrug***

Editor's Note: This story was edited at 11:08 a.m. pacific to correct that the settlement actually applied to ALL calls made to Freedom's servicing portfolio, not just to servicing calls as the story had earlier implied.

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