

Published on *The National Law Review* <https://natlawreview.com>

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

Article By:

Eric J. Troutman

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!

© 2024 Troutman Amin, LLP

National Law Review, Volumess XI, Number 175

Source URL: <https://natlawreview.com/article/shelling-it-out-new-ruling-shows-cipa-cases-can-be-even-more-dangerous-tcpa>