

“SEEMINGLY IDENTICAL FEMALE VOICE” ALLEGATIONS REJECTED: Farmers Insurance Walks Away from TCPA Class Action Where Complaint Only Alleged One Illegal Call

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Interesting one for you this morning.

Farmers insurance was sued in a TCPA class action alleging the insurance giant made illegal solicitations without consent. The claim was brought pursuant to 227(c)—the DNC provisions—and not 227(b)—the regulated technology provisions, however. As a result the Plaintiff needed to allege *two* violative calls and not just one.

While Plaintiff alleged he received seven calls with “the exact same female voice” the court in *Anderson v. Farmers Insurance*, 2024 WL 4656218 (N.D.Ok. Nov. 1, 2024) found only one of the calls at issue was plausibly alleged to have been made by Farmers.

Digging in here, Anderson claims that the representative calling from 708-640-4850 advised him that she was calling from Farmers. The Court found this call was sufficiently alleged to have been made by Farmers due to the self-identification and follow up email she sent that came from a Farmers email address.

As to the rest of the calls, however, the Court determined Anderson failed to plead sufficient facts to link the calls to Farmers. Each call came from a different number and the Court viewed Plaintiff’s allegation that the voice he heard on each call was “seemingly identical” female voice was merely speculation.

As a result the court concluded only one call had been adequately alleged to have come from Farmers and dismissed the case since two calls were needed to state a 227(c) claim.

Pretty interesting little case. I assume the caller was likely a call center, BPO or lead generator and not an actual Farmers agent—hence the rotation in phone numbers. But maybe not. Without more information its tough to know what’s really going on here.

Still the caller—assuming all calls came from the same caller— seems to have benefited from phone number rotation here as it prevented the court from linking the calls to Farmers (or whoever made the calls.)

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