

Consumer Advances LoanDepot.com Telemarketing-Call Class Action

By Christopher Brown 2024-03-15T13:08:29000-04:00

- Consumer sufficiently pleaded elements of TCPA claim
- Text message showed calls were business solicitations

Loan-service provider [loanDepot.com LLC](#) must face a proposed class action alleging it made unsolicited telemarketing calls in violation of the Telephone Consumer Protection Act.

Plaintiff Lee Abrahamian sufficiently pleaded that he placed his number on the national do-not-call registry and that the calls he received were for the purpose of a business solicitation, Judge Susan M. Brnovich said, denying the company's [motion](#) to dismiss.

Abrahamian [alleged](#) that loanDepot.com made two telephone calls to his number in September 2022 despite the fact that his number had been listed on the national do-not-call registry continuously since 2007, he had no business relationship with the company, and hadn't consented to the calls.

The TCPA prohibits entities from making more than one telephone solicitation in a 12-month period to a consumer whose number is on the do-not-call registry.

LoanDepot.com argued that Abrahamian's claims failed because he hadn't pled that he personally listed his number on the registry, but Brnovich disagreed in a March 13 [order](#).

The plaintiff's allegations supported the inference that he had placed the number on the registry, the judge said.

But even if he hadn't, telemarketers remain obligated to honor numbers on the registry despite the fact that numbers may change hands, she said.

LoanDepot.com's argument that Abrahamian didn't show that the calls, which he didn't answer, were for the purpose of a business solicitation also failed, she said.

The calls were accompanied by a text message soliciting his business, suggesting that the calls shared the same purpose, she said.

Brnovich rejected as premature loanDepot.com's motion to dismiss Abrahamian's class claims, and its [motion](#) to strike the proposed class definition.

Gallagher & Kennedy PA and Parrish & Goodman PLLC represent Abrahamian and the proposed class. Troutman Amin LLP represents loanDepot.com.

The case is [Abrahamian v. loanDepot.com LLC](#) , D. Ariz., No. 2:23-cv-00728, 3/13/24 .

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