

ELEVENTH CIRCUIT AFFIRMS DISMISSAL OF RESPA CLAIM FOR FAILURE TO PROVIDE PHONE NUMBER OF LOAN OWNER

Appeals for the Eleventh Circuit recently affirmed a lower court's decision granting defendant loan servicer's motion to dismiss plaintiff's complaint alleging violations of the Real Estate Settlement Procedures Act, 12 U.S.C. 2601 *et seq.* ("RESPA"), on the ground that defendant's alleged misconduct did not violate RESPA. See Mejia v. Ocwen Loan Servicing, LLC, 2017 WL 3396563 (11th Cir. Aug. 8, 2017). In the case, plaintiff alleged that defendant violated RESPA and its implementing regulation, 12 C.F.R. 1024 *et seq.* ("Regulation X"), because defendant failed to properly respond to plaintiff's written Request for Information ("RFI"). Specifically, defendant failed to include a phone number for the owner of the subject loan. Plaintiff alleged that this violated 12 CFR 1024.36(d) which requires that the servicer must respond to the RFI with "the identity of, and address or other relevant contact information for, the owner or assignee of a mortgage loan[.]" Plaintiff sought actual damages, statutory damages and attorneys' fees under RESPA. Defendant moved to dismiss the action, arguing that it was not required to provide a phone number under Regulation X, and the lower court granted the motion.

On appeal, the Eleventh Circuit affirmed. First, it found that **RESPA does not specify what "relevant contact information" means, but noted that another provision of Regulation X requires that that servicer must provide its own "contact information, including a telephone number". The Court held that the fact that this language is absent from the provision regarding the contact information of the owner of the loan indicated that it was not required. Second, the Court held that, because plaintiff had not suffered any concrete injury under RESPA, it also had no standing to pursue statutory damages or attorneys' fees under 12 USC 2605. Accordingly, the complaint was dismissed with prejudice.**