

As Defendants argue, the RESPA claim fails because the FAC alleges no facts showing that Plaintiff suffered "actual damages" as a result of Defendants' failure to respond to the purported QWR. By the time Plaintiff sent the letter on November 6, 2013, he had long stopped making loan payments, and Notices of Default and Notices of Trustee's Sale had already been recorded. Thus, Plaintiff cannot claim (and does not allege) that he failed to make the payments because of issues with the servicing of the loan or that he would have made future payments if Defendants had responded to the alleged QWR. In fact, Plaintiff sent his QWR the same day he filed this action (possibly even after he filed it). See Complaint, ECF No. 1-1 at 4 (filed 11/6/2013). **This appears to be a tactic of Plaintiff's counsel.** See **Rivac v. Ndex W. LLC**, No. C 13-1417 PJH, 2013 WL 6662762, at *12 (N.D. Cal. Dec. 17, 2013) (noting this tactic and denying RESPA claim with prejudice). Accordingly, Plaintiff cannot claim to have suffered damages based on the failure to respond to his QWR. **RUBIO V. U.S. BANK N.A.** (N.D. Cal., 2014)