

Firm Newsletter October 2018



YOUR ATTORNEYS FOR LIFE.

FULL SERVICE LEGAL COUNSELING IN GEORGIA SINCE 1974

With over 100 attorneys and support staff in our offices in Atlanta, Norcross and Savannah, Georgia, we provide our clients with unsurpassed service in corporate, domestic, family, and criminal law, as well as estate planning and probate, personal injury and workers' compensation, bankruptcy, business

transactions, incorporations, and collections. Our commitment to client service and our deep industry knowledge make us uniquely qualified to instill confidence and trust, and most importantly, get results.

Recent Success Stories

Client contacted our office for assistance regarding an agreement that she entered into for a training program to become a software developer. The program is a 10-week program, and client attended eight days before submitting her withdrawal in writing. Client then received a letter from the company's attorney demanding that she honor the Promissory Note of \$20,000 for not completing the course. Our attorney wrote a letter offering to pay a pro-rata dollar amount based upon the limited time she attended the training, and the offer was rejected. After a telephone conference call, and another letter with a final offer of settlement, the offer was accepted. Savings to client, \$17,000.00.

Client contacted our office for assistance in regard to the denial of an insurance claim. When client obtained his homeowner's insurance policy, he specifically asked the agent if his utility tractor would be covered under that plan or if a supplement was needed. The agent checked with underwriting and assured client the tractor would be covered. Sometime later, client was mowing his property, and the tractor got away from him and hit a tree. The insurance company denied the claim, stating that the utility tractor was not designed, manufactured, and marketed for use on residential premises. Our attorney wrote a letter to the insurance company, and then participated in a recorded statement, arguing that there was no restriction in the policy limiting coverage to vehicles that are for "residential use" or "marketed solely for residential use." Further, the attorney provided marketing materials showing that the utility tractor is intended for the use employed by client. In response to our letter and recorded statement, the insurance company agreed to pay the claim for repairs. Recovery for client, \$6,798.60.

Client contacted our office for assistance after an incident at a fast-food restaurant. Client purchased a chicken pot pie for her two-year old daughter. After consuming the chicken pot pie, her daughter became ill. Client

took her daughter the doctor for treatment and she was diagnosed with bacterial food borne intoxication. Client also took the uneaten portion of the meal back to the restaurant and spoke to the manager who confirmed the food was not cooked thoroughly. The restaurant manager stated that she would call the area manager and they would file the claim paperwork. Client was never contacted by any representative of the company. Our attorney wrote a letter to the corporate office demanding payment for client's medical expenses and compensation for her pain and suffering. In response to our letter, the company agreed to settle the claim for the amount demanded. Recovery for client, \$650.00.

How to stop unwanted calls ON A MOBILE PHONE

See what **built-in features** your phone has.

Download a **call-blocking app**.

- Some apps are **free**, but others charge a **monthly fee**.
- Some apps will **access your contacts**.
- Calls might be **stopped, ring silently**, or go straight to **voicemail**.

See what services your **carrier** offers.

Report unwanted calls at ftc.gov/complaint

FEDERAL TRADE COMMISSION • ftc.gov/calls

How to stop unwanted calls ON A LANDLINE

See what services your **carrier** offers.

Install a **call-blocking device**.

- Some use **blacklists** to
 - stop unwanted calls
 - divert calls to voicemail
- Some use **whitelists** of approved numbers.

Some services are **free**, but others charge a **monthly fee**.

Report unwanted calls at ftc.gov/complaint

FEDERAL TRADE COMMISSION • ftc.gov/calls

Are You Receiving Unwanted Calls? What Measures Are You Taking To Protect Yourself From Scammers.

Are you receiving automated calls several times a day on your cell phone or landline? Before live callers bothered you; however, in recent years, robocalls have been flooding cell phones. According to the Federal Communications Commission (FCC) in 2016, Americans were receiving 2.4 billion unwanted calls per month, and other sources, such as YouMail estimated that in April 2018 alone, Americans received about 3.4 billion automated calls. The FCC started studying the surge in calls and issued rules in 2017 that authorize phone companies to block certain type of robocalls. Due to cheap and readily accessible technology, robocallers can dial millions of numbers a day. In 2017,

the FCC, which also operates the Do Not Call Registry, received about 4.5 million robocaller complaints and 2.5 million live caller complaints.

Beware of Scammers

While live callers or robocalls can be annoying and disruptive, they can be deceptive and turn into a costly scam. In 2017, less than four percent of incoming cell phone calls were scams; however, in the coming years, it is estimated that one-half the calls you receive on your cell phone will be fraudulent. Both scammers and robocallers have found more sophisticated and deceptive ways to defraud you. They can mask and spoof their phone numbers on your caller ID or they can use local phone numbers from your area, a practice referred to as "neighborhooding," which attempts to trick you into thinking the caller is someone who is familiar to you.

Scammers may pretend to be a representative from a debt collection agency, cable company or bank. Even the IRS has reported that fraudsters claim they are calling from the IRS and accuse taxpayers of owing money and demand immediate payment over the phone. The IRS also found that scammers were preying upon the generosity of Americans who wanted to donate to charitable causes, which included scammers posing as a charitable organization to aid those impacted by Hurricane Florence.

If that was not enough, scammers found ways to target immigrant communities, warning them that they may be in legal trouble. One such current scam discovered by the New York Police Department found scammers posing as the Chinese Consulate and demanding money in exchange for picking up packages. Federal Investigators are also hard at work. Back in May of 2018, a Miami man under investigation by the FCC for making 100 million "spoofed" robocalls was fined \$120 million. His mass-robo calling campaign involved the fraudulent sale of so-called vacation packages and time-shares offered by reputable travel and hospitality companies such as Marriott, Hilton, Expedia, and Trip Advisor. These companies complained to the FCC after consumers raised concerns about receiving these annoying robocalls.

Last month, the FCC was hard at work. They fined a robocaller \$82 million for caller ID spoofing health insurance marketing calls. The company falsified caller ID information to disguise their phone numbers and made millions of spoofed calls to sell health insurance and generate leads for more sales. They also

proposed a fine of \$37.5 million to an Arizona company making more than 2.3 million illegally-spoofed telemarketing calls to sell home improvement and remodeling services. The calls came from unassigned phone numbers and numbers that were assigned to pre-paid burner phones.

In spite of the aforementioned examples, there are a few exceptions when automated calls are permitted, such as automated phone calls from schools about reminders and updates, or creditors reminding you to pay your bill. But you still have the right to send a written request for even those legitimate callers to stop calling.

So What Can You Do To Limit or Avoid Fraudulent Calls?

Do not answer the phone if you do not recognize the number, and block it on your phone.

If you do answer a call from an unknown or fraudulent-looking number, hang up immediately. The more you engage, the more the scammer will call your number. If the caller claims they are from a company or governmental agency, then hang up and call them back on the number listed on your account statement or on the company's or governmental agency's websites. If you owe them a payment, they will contact you in writing.

Avoid providing bank account, credit card, and Social Security information and/or numbers.

You can use call-blocking apps for your cell phone and gadgets for your home phones.

Add unwanted calls to the Do Not Call Registry. (While it may deter legitimate companies in the U.S. from disturbing you, it is unable to deter overseas marketers and scammers).

Report spam calls such as unwanted and spoofed robocalls to the FCC.

If your phone number is being spoofed or your calls are mistakenly being labeled as blocked, or is being labeled as a possible scam by robocall blocking services or apps, you may also report this to the FCC.

If you have any questions regarding robocalls or stopping unwanted calls, please call our office immediately. We can provide advice to assist and protect you and your loved ones from getting scammed, or to help if you have been recently victimized or scammed.

2018 Firm Holiday Closings

Thanksgiving- November 22 & 23 (Thursday & Friday)

Christmas- December 24 & 25 (Monday & Tuesday)
