

Artin Betpera

Orange County, California
Shareholder

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Areas of Practice & Industry Specialties

Litigation; Mortgage Lending; Class Actions; Organizational Inclusion, Diversity, and Belonging Group; e-Discovery; Consumer Financial Services and Mortgage Regulatory



Artin provides his clients with laser-focused strategies, and has helped a diverse collection of business enterprises successfully navigate complex litigation matters. Central to Artin's approach to the practice of law is an unwavering commitment to providing exceptional client service, and adeptness at balancing business objectives with the management of legal exposure.

Artin is a highly experienced civil litigator, having started his career at ground-zero of the 2007 financial crisis. During his formative years as an attorney, Artin handled a panoply of litigation matters spawned by that crisis, including lawsuits asserting violations of the alphabet soup of state and federal consumer protection laws (including TCPA, FCRA, RESPA, TILA, and FDCPA), contractual loan repurchase claims, real property disputes, and commercial litigation matters. Artin has been entrusted by some of the nation's largest financial institutions to try cases, manage national portfolios of consumer litigation, and lead the defense of class actions, including those brought under the Telephone Consumer Protection Act.

Starting from this solid foundation of experience, Artin has honed his skills to become a highly effective advocate, with the capability of handling a broad array of matters, including disputes involving financial transactions, commercial contracts, business fraud, commercial and residential real estate, and consumer protections laws. Artin's breadth of subject matter experience is complimented by his jurisdictional experience, with California and Florida bar licenses bookending the multiple jurisdictions in which he has litigated cases.

Representative Matters

Consumer Class Actions

- Obtained dismissal at pleading stage of putative California Invasion of Privacy Act class action based upon allegations that defendant aided and abetted a third party's "wiretapping" of website chat sessions. (*Esparza v. Gen Digital, Inc.*, No. 2:23-cv-08223-KK, 2024 WL 655986 (C.D. Cal. Jan. 16, 2024)).
- Obtained summary judgment in favor of national bank in high-exposure Telephone Consumer Protection Act class action involving wrong number calls (*Quintana v. Branch Banking and Trust Company*, 594 F.Supp.3d 670 (M.D.N.C. 2020)).
- Won dismissal of payment processing company in Telephone Consumer Protection Act class action alleging vicarious liability for independent agent's acts. (*Fabricant v. Elavon, Inc.*, No. 2:20-cv-02960-SVW, 2020 WL 11884505 (C.D. Cal. Aug. 25, 2020)).
- Achieved favorable individual settlement of TCPA class action against large healthcare marketing agency after filing of opposition to Plaintiff's motion for class certification.
- Obtained an order in favor of a tech startup compelling arbitration in first-of-its-kind ruling enforcing an online click-wrap agreement involving a "pre-checked" box accepting terms. (*LaForce v. GoSmith, Inc.*,

No. 2:17-cv-05101-YGR, 2017 WL 9938681 (N.D. Cal. Dec. 12, 2017)).

Financial Services

- Obtained summary judgment in favor of national loan servicer in heavily litigated case in which borrower asserted his second lien mortgage was “forgiven” by the prior servicer. (*Hart v. Select Portfolio Servicing, Inc.*, No. 2:22-cv-03399-FLA, 2023 WL 7107277 (C.D. Cal. Sept. 23, 2023)).
- Secured judgment in favor of national mortgage loan servicer after five-day trial, prevailing over plaintiff's claims for fraud and breach of contract.
- Obtained a judgment of nonsuit at trial in favor of residential mortgage lender in a lawsuit filed by a borrower to quiet title to her mortgage.
- Obtained judgment in favor of private mortgage lender at trial on claims involving alleged violations of California's usury restrictions.

Commercial Real Estate

- Achieved affirmance of multiple trial court orders granting summary judgment in favor of commercial landlords in actions initiated by tenants on the basis that COVID-19 restrictions excused their obligation to pay rent under the lease. (*Fitness Int'l, LLC v. Cole LA Riverside CA, LP*, No. G062740, 2023 WL 7008083 (Cal. Ct. App. Oct. 25, 2023); *Fitness Int'l, LLC v. Cole LA Bloomfield Hills MI LLC*, No. 363889 (Mich. Ct. App. Feb. 22, 2024); *Fitness Int'l, LLC v. 135th and Aurora LLC, et al.*, No. 8433-8-I, 2024 WL 1257038 (Wash. Ct. App. Mar. 25, 2024)).
- Obtained multiple summary judgment rulings in favor of commercial landlords in multi-jurisdictional litigation against large national gym that claimed COVID-19 restrictions excused tenant's failure to pay rent.
- Obtained favorable settlement for commercial landlord in case against large national retail tenant that withheld rent on the basis that landlord owed over \$1 million in liquidated damages for alleged construction delays.
- Represented commercial landlord in breach of lease litigation against tenant (a multinational conglomerate), obtaining settlement that compensated landlord for significant damage to property arising from tenant's failure to maintain.
- Won trial judgement in favor of commercial lease guarantor in breach of guaranty claim brought by landlord by proving that landlord was not damaged due to the substantial increase in rent it was to receive under lease with subsequent tenant.

Publications

- Appeals Court Resurrects MLM Company Challenge to \$925 Million Robocall Judgment, *The World of Direct Selling*, March 26, 2023
- Buchalter TCPA Digest: The FCC Reassigned Number Database Is About to Go Live. Are You Ready?, *Buchalter Client Alert*, October 12, 2021
- Buchalter TCPA Digest: More ATDS Cases Slip Past Pleading Stage, Plaintiffs Keep Trying to Leverage Facebook's FN7, and Florida Enacts Not-so-“Mini” TCPA, *Buchalter Client Alert*, July 30, 2021
- The Post-Facebook TCPA Landscape: How the Supreme Court's Opinion on the Definition of ATDS Has Changed Legal Risk for Companies That Text or Call Consumers, *Buchalter Client Alert*, May 11, 2021

Webinars

- "Buchalter Webinar: Navigating California's Statutory Traps – Avoid Penalties, Fines and Headaches in 2024," March 7, 2024

Education

Artin earned his J.D. at Chapman University School of Law *cum laude* and received his B.A. at the University of California, Irvine.

Bar Admissions

- California
- Florida

Court Admissions

- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Ninth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of California
- U.S. District Court for the Northern District of Florida
- U.S. District Court for the Middle District of Florida
- U.S. District Court for the Southern District of Florida
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Western District of Texas