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Beware of Liability Under the Servicemembers Civil Relief Act (SCRA)

A California law firm has agreed to pay a very large monetary fine assessed against it and its client arising out of violations of the Servicemembers Civil Relief Act (SCRA). The fine was agreed to as part of a settlement with the California Attorney General's office. The settling companies and the law firm handling eviction cases failed to properly apprise the court of the defendants' military status. Instead, the law firm filed papers with the court incorrectly stating that the Tenants' were not on active military duty. The SCRA provides protections from civil actions against servicemembers who are called to active duty.

The takeaway from this case is simple: 1) Evicting military servicemembers carries substantial liability exposure. The fines in this case were approximately \$25,000 per improper eviction; and 2) these types of potential violations are "on the radar" of the California Attorney General and federal authorities. Therefore, landlords and their attorneys should redouble their efforts to be cognizant of the military status of their respective tenants/defendants. Social security numbers, birthdays, and legal names of all tenants should be verified in order to accurately ascertain the military status of tenants/defendants through the SCRA website before requesting entry of default or obtaining a default judgment.

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