

Omni Hotels Hit With Call Recording Class Action

By **Dan Prochilo**

Law360, New York (March 19, 2013, 7:57 PM EDT) -- Omni Hotels Management Corp. was hit Friday with a proposed class action in California state court alleging the company routinely records telephone conversations between customers and its employees without first telling the guests or getting their approval.

Plaintiff Steven Ades of Los Angeles County requested class certification for all California residents who called the Irving, Texas-based luxury hotel company within the past year and were secretly taped in violation of California's Invasion of Privacy Act, alleging Omni "has a policy and practice of intentionally and surreptitiously recording and/or monitoring telephone conversations."

Ades claimed he called Omni's toll-free number to make a reservation on Jan. 9 and was connected to a U.S.-based call center. During the ensuing conversation, he revealed "sensitive personal identifying information and confidential financial information" — including his credit card number and its expiration date, his email and his phone number — to the representative on the line in order to book accommodations.

It was unclear from the complaint how Ades later realized that his conversation, which he wanted to remain confidential, had been recorded without his approval. During the call, the company allegedly never gave an automated, prerecorded warning that the conversation was being taped, nor was there a periodic beep in the background signifying the call was being recorded, according to the complaint.

The suit claims Omni has installed call recording and monitoring software and hardware "on its consumer-facing telephone lines" and the workers manning the phones at company call centers are told to record inbound calls.

Under California law, all the parties to a telephone conversation need to know they are being recorded and must agree to it from the get-go, the complaint contends. It does not suffice for the individual making the recording to let the parties know their words have been recorded after the fact, the suit states.

The suit says all proposed class members are entitled to statutory damages of \$5,000 for each violation. Ades is also seeking attorneys' fees and costs and an injunction stopping Omni from secretly eavesdropping on customers' conversations.

An Omni representative could not be immediately reached for comment.

Ades and the proposed class are represented by Zev B. Zysman of the Law Offices of Zev B. Zysman.

Counsel information for Omni Hotels was not available.

The case is Steven Ades et al. v. Omni Hotels Management Corp. et al., case number BC503091, in the Superior Court of California, County of Los Angeles.

--Editing by Katherine Rautenberg.

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