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Consumer Fraud Takeaways from 7th Circuit 'Zestimates' Ruling

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A consumer fraud class action must be grounded on allegations of false or deceptive statements of fact. Opinions, including estimates clearly labeled as estimates, do not constitute statements of fact that can support a consumer fraud class action.

In *Patel v. Zillow Inc.*,^[1] the U.S. Court of Appeals for the Seventh Circuit recently confirmed this demarcation between fact and opinion in a case involving Zillow's well-known "Zestimates" of property values. But the authorities cited in that case show that this issue can be complicated, particularly where the opinion appears alongside other allegedly deceptive language or where the speaker intends the buyer to rely on an opinion as a statement of fact.

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