

Allison J. Schoenthal

Partner
New York

Biography

As the scrutiny on financial institutions increases, Allison Schoenthal is on the front lines successfully defending clients against suits by consumers and government entities.

Head of our Consumer Finance Litigation Practice, Allison has over a decade of experience representing banks, trusts, lenders, government-sponsored enterprises, private equity companies, and loan servicers. Allison's understanding of the financial services industry and her wealth of experience — handling over 1,000 contract and consumer finance matters — has resulted in a favorable track record for clients in the lending industry.

Allison and her team have obtained important rulings for financial institutions, including setting legal precedent by shielding lenders from claims of negligence, determining the standard for standing in foreclosure actions, and establishing case law upholding the Mortgage Electronic Registration System.

Defending against claims under the Real Estate Settlement Procedures Act (RESPA), Truth in Lending Act (TILA), Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Home Owners Equity Protection Act (HOEPA), False Claims Act (FCA), Deceptive Practices Act (DPA), and other



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Practices

Consumer Law
Financial Services
Litigation
Real Estate
Investigations

Industries

Consumer
Financial Institutions
Real Estate

Areas of focus

consumer lending laws, Allison handles suits filed individually or as part of a mass or class action. She defends clients against enforcement actions and investigations by government entities including the U.S. Attorney's Office and Consumer Financial Protection Bureau (CFPB), and also provides compliance advice and risk assessments.

With an extensive number of cases under her belt, Allison has immense knowledge of the procedures and practices of the New York state and federal courts and is an experienced and effective writer and advocate. She has written countless briefs, authored articles, and handled numerous oral arguments and presentations. Allison has been quoted in *The New York Times*, *Newsday*, *Bloomberg BusinessWeek*, *Inside Mortgage Finance*, *Law360*, and the *New York Law Journal* on consumer finance and mortgage foreclosure issues.

Representative experience

Successfully represents the lending industry, including banks, loan servicers, and trusts, in all New York state and federal courts.

Represents clients in bankruptcy adversary actions and appeals.

Represents servicer and mortgage lender in enforcement action by New York Attorney General.

Represent financial institutions in CFPB investigations and provide compliance advice.

Counsels and defends clients in actions involving mortgage, student, equipment, and auto loans.

Represented a celebrity chef in a suit for the alleged breach of a tour agreement.

Represented owner in a multimillion-dollar real estate and construction dispute between contractors, building

Consumer Finance

Consumer Protection and Privacy

Class Actions and Group Litigation

Commercial Litigation

Consumer Finance Litigation

E-discovery and Information Management

Financial Services Litigation

Real Estate Litigation and Disputes

False Claims Act and Qui Tam

Financial Services Regulatory Investigations and Enforcement

Education and admissions

Education

J.D., Fordham University School of Law, 2000

B.A., University of Virginia, 1997

Memberships

Member, The Association of the Bar of the City of New York (New York Foreclosure Task Force; E-Discovery Working Group; Committee on Professional Ethics, 2011-2013)

Member, New York State Bar Association

Member, Federal Bar Council

Bar admissions and qualifications

owners, and investors.

Successfully defended, through appeal, precedent-setting class actions concerning validity of automatic renewal and late-fee provisions.

Represented loan servicer in CFPB investigation and enforcement action and state regulator inquiries relating to loss mitigation practices.

Represented loan servicer in response to CIDs issued by state attorney general's office in connection with mortgage loan servicing activities.

Represented mortgage loan investor and servicer in putative class actions alleging violations of two state lien release recording statutes.

Represented lenders and loan servicers in multiple mass and class actions by borrowers claiming entitlement to loan modification or improper denial.

Obtained dismissal of a qui tam complaint against loan servicer asserting violations of the retaliation provisions of the False Claims Act and Dodd Frank Act.

Successfully resolved class actions challenging clients' LPI practices.

Affirmed in 2nd Circuit dismissal of class action alleging violations of the FDCPA due to allegedly misleading debt validation notices.

Dismissed class action complaint against servicer alleging violation of RESPA and deceptive practices acts for allegedly faulty reinstatement letters.

Created favorable law that plaintiff has foreclosure standing based on the PSA showing loan assigned to the securitized trust.

Won a first impression federal foreclosure action in the 2nd Circuit, clarifying issues of diversity jurisdiction and corporate citizenship for national banks.

Secured reversal, on appeal, dismissing reverse

New York

Court admissions

U.S. District Court, Eastern District of New York

U.S. District Court, Northern District of New York

U.S. District Court, Southern District of New York

U.S. District Court, Western District of New York

U.S. District Court, Western District of Wisconsin

U.S. Supreme Court

mortgage foreclosure action that under HUD regulations, foreclosure was not a remedy for default on property insurance.

Won quiet title action dismissing plaintiff's claim that enforcement of mortgage is barred by the statute of limitations, holding that lender may de-accelerate loan.

Awards and rankings

- Financial Services Regulation: Consumer Finance (Nationwide), *Chambers USA*, 2017
- Business Litigation, *Super Lawyers*, 2013-2017
- Business Litigation, *New York Super Lawyers*, 2011-2015
- Business Litigation, *Super Lawyers: Rising Stars*, 2011-2012

Latest thinking and events

- Hogan Lovells Publications
 - Payments and retail banking regulation in 2018: Transatlantic trends
- Published Works
 - Trump's Consumer Bureau turmoil won't confuse Wall Street for long *TheStreet*
- Published Works
 - Power struggle erupts at U.S. consumer body *Financial Times*
- Published Works
 - Cordray's departure from the CFPB won't halt enforcement *BNA Bloomberg*
- Published Works
 - Potential for a new course at the CFPB *LAW360*
- Media Mention
 - Cordray's departure brings back CFPB leadership questions *LAW 360*