



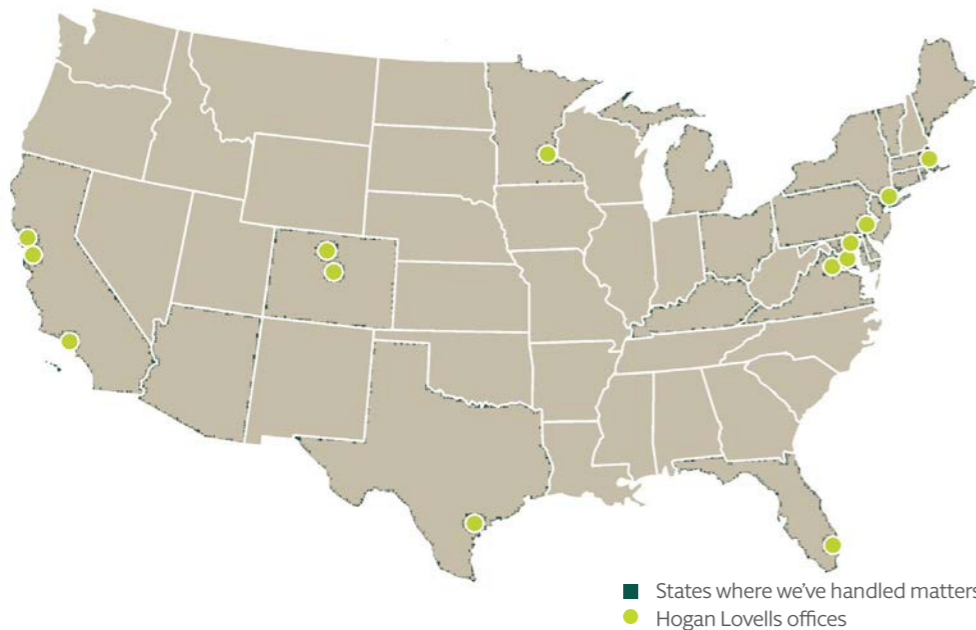
Hogan
Lovells

Consumer Finance Litigation: *Why us?*

Our Consumer Finance Litigation practice at a glance

With over 40 lawyers, our dedicated Consumer Finance Litigation team is one of the most robust in the nation, and one of the largest litigation groups at Hogan Lovells.

We handle matters nationwide from our 14 U.S. offices including recent engagements in California, Connecticut, Florida, Kentucky, Maryland, Massachusetts, Minnesota, New Jersey, New York, and Washington, D.C.



40+
lawyers focused on
consumer finance
litigation

15
U.S. offices

Backed by
800+
litigation lawyers

2600+
lawyers across the
globe

47+
offices

24+
countries

Firm recognition

Chambers Global

Band 1, Dispute Resolution
Litigation, 2020

Chambers USA

Band 3, Litigation: General
Commercial: Highly Regarded -
New York, 2019

The American Lawyer

Litigation Department of the
Year, Finalist, 2018-2019

Financial Times

Most innovative law firm in
North America, Winner, 2019

Individual recognition

“

[Allison J. Schoenthal is] a top-notch litigator. She works well with our in-house staff and has an effective approach with clients and adversaries. She comes with my highest recommendation.

Chambers USA, 2018

[Allison J. Schoenthal] can quickly synthesize the issues in a case and develop unique strategies for resolution.

Chambers USA, 2019

”

Chambers USA

Band 3, Individual
Financial Services
Regulation: Consumer Finance
Litigation, 2017-2019

The only firm to be named top 12 in all three 2017 *Financial Times* Innovative Lawyer rankings

2nd
North
America

2nd
Europe/UK

12th
Asia-Pacific

Why us

Consumer finance litigation is complex and demanding. It calls for skill, decisive judgment, and steady nerve.

We have unmatched knowledge and depth of experience at the intersection of litigation, investigations, and compliance, and the consumer banking, lending, and loan servicing sectors. We don't just know litigation; we understand the products and the consumer credit industry.

Whether you are sued in a class action where your company's reputation or policies are at risk, receive a Civil Investigative Demand (CID) from the Consumer Financial Protection Bureau (CFPB) or a state regulator, or you're updating processes and procedures to comply with the ever-changing regulatory environment, we have the experience to help.

We also know you want timely, on-point advice, no surprises or media attention, and proactive guidance. We give that, on every case.

As one of the first firms to have a dedicated Consumer Finance Litigation practice in the wake of the financial crisis, our team strategically and pragmatically advocates for our financial services clients every day.

Some of our key differentiators

- **Unmatched experience in consumer financial services litigation.** Our dedicated team focuses on consumer finance litigation and investigations, allowing us to provide a depth of advice our competitors cannot.
- **Industry knowledge.** We know consumer finance inside and out, having represented clients ranging from specialty loan servicers, to global, national and regional banks, non-bank lenders, government sponsored enterprises, private equity firms, and corporate trusts throughout the United States.
- **Extensive courtroom experience.** Our team members are seasoned trial lawyers and appear before state and federal courts, as well as government agencies, over a dozen times per week.
- **Precedent setting.** Our cases have created law favorable to financial institutions. We set industry precedent through our appellate work.
- **Maximizing results outside of the courtroom.** We're not just litigators. We're experienced negotiators who take a commercial approach to resolving actions and are proactive in providing compliance advice to avoid future issues. We understand your business goals and keep them front of mind.
- **Forward looking.** We stay on top of your industry. From tracking loosening federal regulations under the current administration to scouting revisions to state regulations issued to fill the void, we proactively advise clients, anticipate changes, and predict trends.

We represent:

- Loan servicers
- Global, national, and regional banks
- Non-bank lenders
- Government sponsored enterprises
- Private equity firms
- Corporate trusts



We handle cases under:

- Truth in Lending Act (TILA)
- Fair Debt Collection Practices Act (FDCPA)
- Fair Credit Reporting Act (FCRA)
- Telephone Consumer Protection Act (TCPA)
- Real Estate Settlement Procedures Act (RESPA)
- Racketeer Influenced and Corrupt Organizations Act (RICO)
- Fair Housing Act (FHA)
- Equal Credit Opportunity Act (ECOA)
- Home Owners Equity Protection Act (HOEPA)
- Unfair, deceptive, or abusive acts and practices laws (UDAP/UDAAP)
- and their state law equivalents

Representative consumer finance matters

Our team has deep experience litigating complex high-value and high-risk consumer suits brought individually or as part of mass or class actions in state and federal courts nationwide. We can help you navigate some of the most challenging lawsuits.

And in an increasingly complex regulatory landscape, we represent clients in sensitive state and federal government investigations, including investigations and enforcement and supervisory actions by the CFPB, state financial services regulators, and state attorneys general.

A selection of our experience

- Currently represent a national bank in district and federal appellate courts against claims by city alleging that redlining and reverse redlining led to widespread foreclosures and blight in poor neighborhoods, causing the city to lose tax revenue through decreased property values and increase its expenses for city services. In the course of the representation, we secured a landmark ruling on standing under the Fair Housing Act in the U.S. Supreme Court.
- Represented a national bank and residential mortgage-backed security (RMBS) trustee, through success on appeal to the Sixth Circuit Court of Appeals, in defense of claims by municipality arising out of perceived neighborhood blight, rising municipal costs, and lost property tax revenue alleged to be associated with foreclosures, under theories of common law nuisance and violation of local and state property regulations.
- Represented a mortgage loan investor in putative class action alleging violations of two state lien release recording statutes, implicating millions in statutory damages. Previously defended mortgage loan servicer and residential mortgage backed securities trustee in similar class actions, resolving the claims on class-wide basis.
- Represent mortgage loan servicer in municipal actions seeking to enforce New York's "Zombie Property" statute, governing securing and maintenance obligations for vacant and abandoned properties in foreclosure.
- Secured dismissal, affirmed on appeal to the Second Circuit, of class action complaint alleging FDCPA violations stemming from language and figures used in a statutorily required debt validation letter.
- In a matter of first impression in the Second Circuit Court of Appeals, achieved victory in federal foreclosure action that also clarified issues of diversity jurisdiction and corporate citizenship for national banks.
- Represented a loan servicer in CFPB investigation and enforcement action and related state regulator inquiries relating to loss mitigation practices.
- Represented a loan servicer in response to CIDs issued by state attorney general's office in connection with mortgage loan servicing activities in the state.
- Secured dismissal of putative class action against mortgage loan servicer alleging unfair and deceptive practices, violations of federal loan servicing regulations governing loss mitigation, and ECOA in connection with loan servicer's administration of proprietary mortgage modification program.
- Successfully defended numerous class actions alleging violations of TCPA against financial institution clients. We have handled more than 20 putative nationwide TCPA class actions for various clients in the financial services sector and beyond in the last several years.
- Advocated in three appeals to the U.S. Supreme Court in 2017 for a national bank client. We defeated a cert petition in one, and achieved a landmark ruling in another.
- Successfully resolved class actions nationwide challenging our mortgage loan servicer clients' lender-placed insurance practices and those of their LPI carriers, including defeating a proposed class of homeowners who alleged they were required to purchase flood insurance, and/or were wrongly charged for lender-placed flood insurance.
- 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, after initially persuading the federal government to decline to intervene.
- Represented a consumer lender in a matter involving the CFPB and the Department of Justice arising from alleged discrimination by a group of mortgage brokers. The matter settled with releases protecting our client.
- Routinely advise mortgage clients on loss mitigation practices and procedures and compliance with federal and state mortgage servicing regulations, particularly those governing foreclosure, bankruptcy, and loss mitigation.
- Successfully defended appeal of class action concerning validity of automatic renewal and late-fee provisions in equipment leasing contracts.
- Won dismissal of a class action complaint against a mortgage loan servicer alleging errors and failure to provide clear information on loan reinstatement quotes. Claims were for Violation of Florida Deceptive and Unfair Trade Practices Act, RESPA, and Florida Consumer Collection Practices Act.
- Secured dismissal of complaint against reverse mortgage lender alleging violations of HUD pre-foreclosure counseling regulations. The decision was one of the first to establish that there is no private right of action under the relevant regulations.
- Advised small foreign government regarding implementation of mortgage relief programs in cooperation with locally operating banks, and assisted in drafting consumer financial protection and foreclosure-related legislation and regulations.
- For over 10 years, we have handled complex foreclosure and mortgage-related litigation and portfolio-wide risk assessment and strategy for approximately US\$500m New York residential mortgage servicing and lending portfolio of national bank, as well as for other non-bank loan servicers and private equity firms. We have over 2,000 such cases under our belts, contributing to our deep industry knowledge.
- Routinely advise mortgage clients on emerging foreclosure statute of limitations issues affecting aged New York residential mortgage portfolios.
- Successfully opposed bankruptcy sanctions motion alleging violation of discharge injunction by mortgage loan servicer in connection with monthly mortgage loan statements, loss mitigation communications and solicitations, property preservation notices and inspections, and foreclosure-related activities.
- Represented financial institution in consumer bankruptcy adversary proceeding commenced by bankruptcy trustee seeking to avoid transfer of real property as a fraudulent conveyance.
- When borrowers allege bad faith negotiation by loan servicers in court-supervised residential mortgage foreclosure settlement conferences or bankruptcy loss mitigation proceedings, we regularly parachute in to deescalate, resolve, and if necessary, pursue reversal of sanctions orders.

We see beyond litigation

We offer the full range of legal capabilities to achieve success for you, on time and efficiently. Whatever challenge may arise in a case, our Consumer Finance Litigation team can draw upon over 50 practice areas across our firm. We work together across practice areas and offices, leveraging the knowledge and subject matter experience of our lawyers to provide you with seamless support.

Examples include:

Drawing on the knowledge of our **Privacy and Cybersecurity practice**, one of the largest and most experienced in the world, to provide comprehensive privacy counseling aimed at reducing the litigation and reputational risk associated with a large-scale data breach. In the event of a breach, our team can provide a rapid, multidisciplinary response.

Collaborating with our nationally acclaimed **Appellate and Supreme Court Litigation practice** (led by Neal Katyal and Cate Stetson, *Chambers* ranked for Appellate Law) on high-stakes or precedent-setting appeals, or strategizing to develop a record in the trial court in anticipation of appeal.

Working with our preeminent **Global Regulatory practice** in our Washington, D.C. office (many of its members formerly worked in government) to provide elite compliance counseling. We also team with our regulatory partners to revise compliance policies and protocols, provide advice on loss mitigation best practices and protocols, and help you stay on top of regulations governing the financial services industry.

Partnering with our **False Claims Act practice** to respond to *qui tam* actions. Consumer lenders and loan servicers remain targets for FCA actions, and our FCA practitioners have the government experience and know-how to tackle high-stakes claims by the government and relators.

Diversity and inclusion

The commitment to being a diverse and inclusive place to work is at the core of our vision and our values. We have a longstanding commitment to recruiting, retaining, and promoting lawyers and staff members with diverse backgrounds and experiences.

We foster a work environment where people can reach their full potential, regardless of race, ethnicity, religion, national origin, gender, age, sexual orientation, or disability.

We know diversity and inclusion is equally important to the financial institutions we represent and our Consumer Finance Litigation team reflects our commitment to that goal. Our Consumer Finance Litigation leadership is 100 percent female and over 75% of our Consumer Finance attorneys identify as female, a minority, or LGBTQ.

We stand by Hogan Lovells' belief that we are at our best when all of our people can be themselves and feel empowered to succeed – working together and delivering for our clients.

Recognition

Top 50 Law Firms for Women
Working Mother, 2012-2019

Top 50 Employers for Women
The Times, 2012-2019

Most Inclusive Firm for Minority Lawyers
Chambers Diversity Awards, 2016, 2019

Gold Standard Certification
Women in Law Empowerment Forum, 2013-2017, 2019

Top 10 for Gender Equity
Yale Law Women, 2019

Best Place to Work for LGBTQ Equality
Human Rights Campaign, 2018-2020

100% Corporate Equality Rating
Human Rights Campaign, 2010-2020

Top 100 LGBT Employer
Stonewall Equality Index, 2011-2019

Top 100 Diverse Law Firm
The American Lawyer Diversity Scorecard, 2008-2020

Top 75 Social Mobility Employer
Social Mobility Employer Index, 2017-2019



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Alicante	
Amsterdam	Milan
Baltimore	Minneapolis
Beijing	Monterrey
Birmingham	Moscow
Boston	Munich
Brussels	New York
Budapest	Northern Virginia
Colorado Springs	Paris
Denver	Perth
Dubai	Philadelphia
Dusseldorf	Rio de Janeiro
Frankfurt	Riyadh
Hamburg	Rome
Hanoi	San Francisco
Ho Chi Minh City	São Paulo
Hong Kong	Shanghai
Houston	Silicon Valley
Jakarta	Singapore
Jeddah	Sydney
Johannesburg	Tokyo
London	Ulaanbaatar
Los Angeles	Warsaw
Louisville	Washington, D.C.
Luxembourg	Zagreb
Madrid	
Mexico City	Our offices
Miami	Associated offices

www.hoganlovells.com

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