

LITIGATION

Weiner Brodsky Kider PC's Litigation Practice draws upon its extensive experience and deep industry knowledge to represent the financial services industry before federal and state courts and regulatory agencies in matters arising from the complex laws governing the industry. We represent clients in both individual and nationwide class actions, and our attorneys also handle business disputes between members of the industry. We negotiate if possible, litigate if necessary and pursue alternative dispute resolution (ADR), such as arbitration or mediation, if appropriate.

FEDERAL LAW CLAIMS

Our lawyers have defended claims brought under all of the major federal laws impacting the financial services industry, and we regularly represent clients before federal agencies.

FEDERAL LAWS

- Consumer Financial Protection Act (CFPA)
- Electronic Fund Transfer Act (EFTA)
- Equal Credit Opportunity Act (ECOA)
- E-Sign Act
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Fair Housing Act (FHA)
- Flood Disaster Protection Act (FDPA)
- Home Ownership and Equity Protection Act (HOEPA)
- Racketeer Influenced and Corrupt Organizations Act (RICO)
- Real Estate Settlement Procedures Act (RESPA)
- Telephone Consumer Protection Act (TCPA)
- Truth in Lending Act (TILA)

FEDERAL AGENCIES AND GOVERNMENT-SPONSORED ENTERPRISES (GSES)

- Consumer Financial Protection Bureau (CFPB)
- Federal National Mortgage Association (Fannie Mae)
- Federal Deposit Insurance Corporation (FDIC)
- Federal Housing Authority (FHA)
- Federal Reserve Board of Governors (FRB)
- Federal Trade Commission (FTC)
- Federal Home Loan Mortgage Corporation (Freddie Mac)
- Government National Mortgage Association (Ginnie Mae)
- Office of the Comptroller of the Currency (OCC)
- Rural Housing Service (RHS)
- US Department of Housing and Urban Development (HUD)
- US Department of Justice (DOJ)
- US Department of Veterans Affairs (VA)

STATE LAW CLAIMS

Our attorneys have significant experience representing clients before state agencies, banking departments and attorneys general. Our litigators have defended against state consumer protection act claims and common law claims including breach of contract, unjust enrichment, fraud and violation of fiduciary duty.

BUSINESS MATTERS AND DISPUTES

Our Litigation Practice assists clients with internal corporate investigations and due diligence tasks related to initial public offerings and other business matters. When business disputes arise between industry members, we help our clients assess their options. We negotiate a resolution if possible, or litigate if necessary, in connection with repurchase demands, indemnification claims, insurance coverage issues, enforcement of non-compete agreements and warehouse lines of credit.

CLASS ACTION DEFENSE

Class actions pose serious risks because of their size and complexity; a nationwide class action may include tens of thousands of claimants seeking hundreds of millions of dollars in damages. Our attorneys have the knowledge, experience and insight necessary to represent clients threatened by this type of exposure. Our Litigation Practice has handled more than one hundred and fifty class actions. We have defended class certification motions in cases involving alleged improper fees, purported referral fees in violation of the Real Estate Settlement Procedures Act (RESPA) Section 8, lender-placed hazard insurance, captive mortgage reinsurance arrangements and state consumer protection act claims.

INDIVIDUAL ACTIONS

Our lawyers defend against cases filed by individual plaintiffs, ranging from state consumer protection act claims to federal consumer finance law claims. We have represented clients in matters involving the disclosure of required credit terms, rescission of consumer credit transactions, alleged discrimination in housing opportunities, structuring of affiliated business relationships and contested foreclosures.

REPRESENTATIVE MATTERS

- Federal and state allegations of fair housing violations
- Indemnification demands by securitizers in bankruptcy
- Breach of contract and fraud allegations related to marketing agreements
- Litigation related to reverse mortgage loans
- Mortgage guaranty *qui tam* suits under the False Claims Act (FCA)
- Putative nationwide class action related to lender-placed hazard insurance
- Class allegations of deceptive advertising and unfair trade practices against home warranty provider