

Banking & Consumer Finance Class Action Experience

The Troutman Sanders Financial Services Litigation team has the experience in class action litigation, and the expertise in consumer law, to handle any type of class action facing financial institutions. Our attorneys regularly defend clients in federal and state court consumer class actions across the United States and work closely with our clients to evaluate business practices to minimize the risk of a consumer class action being brought in the first place. When a consumer class action is brought, our attorneys have an established record of early dismissal, denial of class certification, enforcement of arbitration clauses, favorable settlements, and success at trial and on appeal.

We have extensive experience in class actions involving the Fair Credit Reporting Act (FCRA), the Equal Credit Opportunity Act (ECOA), the Fair Debt Collections Practice Act (FDCPA), the Truth in Lending Act (TILA), the Real Estate Settlement Procedures Act (RESPA), the Home Ownership Equity Protection Act (HOEPA), the Fair Housing Act (FHA) and the Unfair Deceptive and Trade Practices Act (UDTPA).

Representative Consumer Class Action Engagements

- Representing credit reporting agency as local co-counsel in successful motion to transfer venue of class action lawsuit involving claims under FCRA relating to reporting of credit limits by a large credit card provider
- Counsel in alleged consumer fraud and RICO Claims for an international pharmaceutical company in defense of federal and state class actions brought by third payors seeking to recover alleged overcharges for prescription drugs
- Counsel for an insurance company in class action alleging wrongful collection of premium taxes on personal lines of insurance
- Lead Counsel to one of the nation's largest banks in consolidated multi-district class actions challenging the bank's collection of overdraft fees
- Larry Herman, et al. v. Wachovia Bank, N.A., United States District Court for the Northern District of Georgia, Civil Action No. 1:09-CV-1558-ODE (Judge Orinda D. Evans). Represent Wachovia in nationwide class action lawsuit challenging Wachovia Bank's policies and procedures for setting CD interest rates and CD early withdrawal penalties. Case is currently in discovery and no motion for class certification has yet been filed.
- Representing defendant in a case involving allegations of improper payment processing on credit card accounts
- Buffington, et al. vs. SunTrust Banks, Inc., United States District Court, Northern District of Georgia, Civil Action 2009CV167326. Represent SunTrust Banks, Inc. in nationwide class action challenging SunTrust Bank's debit posting practices. Case is currently in discovery and no motion for class certification has yet been filed.
- Casey and Emily White, et al. v. Wachovia Bank, N.A., United States District Court for the Northern District of Georgia, Civil Action No. 1:2008-CV-14672 (Judge Beverly Martin) and Barkwell, et al. v. Wachovia Bank, N.A., Superior Court Of Fulton County, Georgia, Civil Action 2007-CV-135900. Represented Wachovia in nationwide class action lawsuits challenging Wachovia Bank's posting order for items drawn on its customers' deposit accounts.
- Representing an in-home seller in class actions in California alleging unfair and deceptive selling practices, illegal contract terms, false "savings" and "free" claims, bait and switch advertising, and Truth-in-Lending violations



- In re: Non-Filing Insurance Fee Litigation, MDL Docket 1130. From 1994-1999, represented various affiliates of Associates First Capital Corporation in defense of four class actions that were consolidated with many others in the Northern District of Alabama. Plaintiffs asserted Federal RICO, TILA and anti-trust claims challenging the Defendants' sale of non-filing insurance, a credit insurance product. Named as defendants were over 80 retail merchants, finance companies, and insurance companies. Following a novel ruling by the District Court certifying a class, Defendants filed a Petition for Writ of Mandamus to the Eleventh Circuit Court of Appeals seeking a review of the District Court's Certification Order. (This was prior to the enactment of Rule 23(f)). The Eleventh Circuit issued an Order directing the Plaintiffs to respond to the Petition and inviting a response from the District Court. In response, the District Court sua sponte de-certified the Class. Thereafter, the litigation was settled on very favorable terms to the Defendants.
- Lead counsel in over twenty consumer class actions for CitiFinancial, Inc. and Associate Financial Services, Inc. in state and federal court in Georgia, Texas, Florida, Missouri, Alabama, South Carolina, Kentucky, and Illinois. The majority of these cases involved allegations of unfair and deceptive trade practices and other fraud-based claims against financial services companies.
- *Yarish v. U.S. Bank*, 3:08cv380 (E.D. Va. 2009) (FCRA class action)
- *Towles v. B.P. Products North America, Inc.* (Ill. N.D. 2009) (FCRA Class action)
- *McCormick v. Wells Fargo Bank, N.A.*, 2009 U.S. Dist. LEXIS 15406 (S.D.W.V. 2009) (FDCPA class action)
- *Watkins v. Wells Fargo Home Mortg.*, 2008 U.S. Dist. LEXIS 47834 (S.D.W.V. 2008) (predatory lending class action)
- *Johnson v. Mid-Atlantic Fin. Co., Inc.* (E.D. Va. 2006) (FCRA and ECOA class action)
- *Baldwin v. National Auto Fin. Co., Inc.* (E.D. Va. 2006) (ECOA class action)
- *Thomas v. Centrix Financial, LLC* (E.D. Va. 2005) (ECOA class action)
- *Davis v. Citifinancial Auto Corp.* (E.D. Va. 2005) (ECOA class action)
- *Castro v. Solstice Capital Group, Inc.* (D. Conn. 2005) (RESPA class action)
- *Cook v. Certegy Payment Recovery Services* (E.D. Va. 2004) (FDCPA class action)