

Consumer Financial Services

RELATED SERVICES

- Class Action Defense
- Cyber, Privacy & Data Security
- Product Liability
- Unfair Competition

CONTACTS

Sean P. Flynn
Partner

OVERVIEW

GRSM has provided state, regional and nationwide representation in consumer protection matters to companies in nearly all industries, both goods and services. We have tried to verdict or judgment cases in every substantive area of consumer law that covers consumer-business interactions, including fraud, debt collection, privacy, unfair business practices, deception, misrepresentation, advertising and product liability.

Our comprehensive range of experience includes state and federal laws that address credit repair, service and sales contracts, billing and debt collection, personal loan consolidation, pricing, competition, warranties, telemarketing, internet scams, investor fraud, identity theft, product safety, and foreclosure, among others.

We have particular experience with the Truth in Lending Act, Consumer Credit Protection Act, Consumer Legal Remedies Act, Fair and Accurate Credit Transactions Act, Fair Debt Collection Practices Act, and California's Business & Professions Code section 17200 et seq.

Our litigation team also has a prominent national reputation for successfully resolving, managing and trying multi-party and multi-jurisdiction complex class action consumer protection claims.

DEBT COLLECTION LITIGATION

GRSM has extensive experience in debt collection related litigation, and frequently defends banks, debt collection firms, and related financial institutions in both state and federal court matters. The complaints

in these actions assert a wide variety of claims, including class action claims for alleged violations of the Fair Debt Collection Practices Act (FDCPA), California’s Rosenthal Act (Rosenthal claims), the Fair Credit Reporting Act and the Telephone Consumer Protection Act (TCPA). Plaintiffs in these matters also generally assert underlying “Unfair Competition Law” claims pursuant to state law.

We have successfully defeated class certification in several cases, resulting in a quick resolution before extensive discovery has transpired. Recent examples include successfully blocking class certification in Telephone Consumer Protection Act cases, where corporate client representatives are accused of calling debtors’ cellular phones with autodialers and/or using pre-recorded voice messages.

In cases involving contractual arbitration provisions, the firm has also relied upon the United States Supreme Court’s recent decision in *AT&T Mobility v. Concepcion* as a basis to remove cases from a potential jury and enforce contractual provisions designed to prevent individual claims from being pursued as class claims.