

U.S. Supreme Court Docket Oct. 2015 Term—Banking and Finance Cases

Docket No.	Date filed	Granted Petitions	Subject	Status	Questions Presented
14-520	11/3/2014	Hawkins v. Community Bank of Raymore Cert. granted 3/2/2015	Equal Credit Opportunity	Oral argument set for 10/5/2015 Response due by 12/5/2014 Deadline for response extended to 1/5/2015 Respondent brief filed 12/30/2014 Petitioner reply filed 1/6/2015 Distributed for conference of 2/20/2015 Distributed for conference of 2/27/2015 Solicitor General’s motion to participate in argument as <i>amicus curiae</i> and for divided argument granted 8/28/2015	Whether spousal guarantors are unambiguously excluded from being Equal Credit Opportunity Act applicants because they are not integrally part of “any aspect of a credit transaction.” Eighth Circuit decision . Spousal guarantors are not credit applicants under the ECOA, Banking and Finance Law Daily, Aug. 5, 2014 .
13-1526	6/18/2014	Peterson v. Bank of America, N.A. Cert. granted and judgment vacated in light of <i>Jesinoski v. Countrywide Home Loans</i> , 1/20/2015	Truth in Lending	Oral argument – no date set Response due by 7/23/2014 Response filed 7/23/2014 Distributed for conference of 9/29/2014 Distributed for conference of 1/16/2015 Vacated 1/20/2015	Whether a borrower was required to file suit in order to exercise the Truth in Lending Act right to rescind a mortgage loan transaction. Eighth Circuit decision . Expiration of time limit on mortgage rescission did not bar claim for rescission refusal damages, Banking and Finance Law Daily, March 24, 2014

13-1339	5/1/2014	Spokeo Inc. v. Robins Cert. granted, 4/27/2015.	Fair Credit Reporting Act	Oral argument set for 11/2/2015 Response due by 7/7/2014 Amicus curiae brief of Pacific Legal Foundation filed 6/2/2014 Amicus curiae brief of Trans Union LLC filed 6/5/2014 Amicus curiae brief of Chamber of Commerce of the United States of America filed 6/6/2014 Deadline for response brief extended to 8/6/2014 Response filed 8/6/2014 Reply filed 8/19/2014 Distributed for conference of 9/29/2014 Solicitor General invited to file brief 10/6/2014; brief filed 3/13/2015 Distributed for conference of 4/17/2015 Supplemental brief of petitioner filed 4/1/2015 Distributed for conference of 4/24/2015 Amicus curiae brief of the United States filed 9/8/2015	Whether a consumer who suffered no actual harm from a credit reporting agency's violation of the Fair Credit Reporting Act would have standing to sue based only on the violation of his statutory rights. Ninth Circuit decision . Consumer had standing to sue under credit reporting act without claiming actual harm, Banking and Finance Law Daily, Feb. 6, 2014
13-705	12/9/2013	Keiran v. Home Capital, Inc. Cert. granted and judgment vacated in light of <i>Jesinoski</i>	Truth in Lending	Oral argument – no date set Respondent brief filed 3/14/2014	Whether a borrower was required to file suit in order to exercise the Truth in Lending Act right to rescind a mortgage loan transaction. Eighth Circuit decision .

		<i>v. Countrywide Home Loans</i> , 1/20/2015		<p>Distributed for conference of 4/18/2014</p> <p>Distributed for conference of 4/25/2014</p> <p>Distributed for conference of 9/29/2014</p> <p>Vacated 1/20/2015</p>	<p>Right to rescind mortgage loan must be exercised by filing suit, not just giving notice, Banking and Finance Law Daily, July 12, 2013.</p>
13-684	12/6/2013	<p>Jesinoski v. Countrywide Home Loans, Inc.</p> <p>Cert. granted 4/28/2014</p> <p>Reversed 1/13/52015</p>	Truth in Lending	<p>Oral argument – 11/4/2014</p> <p>Respondent brief filed 3/14/2014</p> <p>Petitioner reply filed 4/2/2014</p> <p>Distributed for conference of 4/18/2014</p> <p>Distributed for conference of 4/25/2014</p> <p>Deadline for respondents' merits brief extended to 9/16/2014</p> <p>Amicus brief of United States filed 7/22/2014</p> <p>Amicus brief of coalition of states filed 7/22/2014</p> <p>Amicus brief of AARP, National Consumer Law Center, American Civil Liberties Union, National Association of Consumer Advocates, and Center for Responsible Lending filed 7/22/2014</p> <p>Amicus brief of American</p>	<p>Whether a borrower was required to file suit in order to exercise the Truth in Lending Act right to rescind a mortgage loan transaction. Eighth Circuit decision.</p>

				Bankers Association , American Financial Services Association, Consumer Bankers Association, Consumer Mortgage Coalition, Independent Community Bankers of America, and Mortgage Bankers Association filed 9/17/2014 Solicitor General's motion to participate in arguments and for divided argument granted 10/14/2014 Reversed 1/13/2015	
Docket No.	Date filed	Pending Petitions	Subject	Status	Questions Presented
15-216	8/14/2015	Udren Law Offices, P.C. v. Kaymark	Fair Debt Collection Practices Act	Oral argument – no date set Response due by 9/17/2015	Whether the Fair Debt Collection Practices Act applies to a mortgage foreclosure complaint filed by an attorney under state court rules of procedure. Third Circuit opinion. Complaint's estimate of future fees could violate debt collection law, Banking and Finance Law Daily, April 8, 2015.
15-111	7/22/2015	Zwicker & Assoc. v. Wise	Fair Debt Collection Practices Act	Oral argument – no date set Response due by 8/24/2015	Whether applying the Fair Debt Collection Practices Act to a complaint filed by an attorney violates the First Amendment, and whether the act applies to

					<p>communications with the court. Sixth Circuit decision.</p> <p>Court asked to consider debt collection act application to complaints, Banking and Finance Law Daily, July 27, 2015.</p>
14-1230	4/10/2015	Wells Fargo Bank, N.A. v. Gutierrez	Standing to Sue	<p>Oral argument – no date set</p> <p>Response due by 5/14/2015</p> <p>Time to file response extended to June 12, 2015</p> <p>4/23/2015</p> <p>Amici brief of Chamber of Commerce of the United States et al. filed 5/14/2015</p> <p>Amicus brief of DRI—The Voice of the Defense Bar filed 5/14/2015</p>	<p>Whether a class could be certified that includes members who were not injured and could not have sued successfully as individuals. Ninth Circuit decision.</p> <p>Wells Fargo again loses challenge to \$203 million restitution order, Banking and Finance Law Daily, Oct. 30, 2014.</p>
14-1191	3/25/2015	Quicken Loans, Inc. v. Brown	Punitive Damages	<p>Oral argument – no date set</p> <p>Response due by 4/21/2015</p> <p>Amicus brief of Washington Legal Foundation filed 4/29/2015</p> <p>Amicus brief of Chamber of Commerce of the United States filed 4/29/2015</p> <p>Distributed for conference of 5/28/2015</p> <p>Response requested by June 28, 2015 5/28/2015</p>	<p>Whether the West Virginia Supreme Court should have included the borrower’s attorney’s fees and costs, totaling \$596,200, in the punitive-to-compensatory damages ratio when deciding that a punitive damages award of \$2.17 million was not excessive.</p>

Docket No.	Date filed	Denied or Dismissed Petitions	Subject	Status	Questions Presented
14-894	1/23/2015	CashCall, Inc., v. Morrissey	Preemption	Cert denied 5/4/2015	<p>Whether the Federal Deposit Insurance Act interest rate exportation provisions preempt the application of state consumer protection laws to a consumer lender that acquired the predominant economic interest in the loans. West Virginia Supreme Court of Appeals decision.</p> <p>State's high court rejects finance company's challenges to AG's \$13.8 million recovery for company's "rent-a-bank" scheme, Banking and Finance Law Daily, June 13, 2014.</p>
14-865	10/27/2014	Rundgren v. Washington Mutual Bank, F.A.	Receiverships	Cert denied 3/23/2015	<p>Whether the requirement to exhaust administrative remedies for claims against receiverships can legally and constitutionally be applied to claims being used to defend against a foreclosure, and whether it matters whether the foreclosure is judicial or nonjudicial. Ninth Circuit decision.</p> <p>Even rock stars have to follow FIRREA rules, Banking and Finance Law Daily, July 30, 2014.</p>
14-858	1/15/2015	LVNV Funding, LLC v. Crawford	Fair Debt Collection Practices Act	Cert. denied 4/20/2015	Whether filing a bankruptcy proof of claim is debt collection activity, and what is the proper standard for evaluating the effect of a communication to a

					<p>consumer's attorney. Eleventh Circuit decision.</p> <p>Bankruptcy claim to collect stale debt violates FDCPA, Banking and Finance Law Daily, July 22, 2014.</p>
14-845	1/12/2015	First American Title Insurance Co. v. FDIC	Receiverships	Cert. denied 5/26/2015	<p>Whether prudential standing principles could bar a defendant being sued by the Federal Deposit Insurance Corporation, as a failed bank's receiver, from asserting that the FDIC had assigned its claim and therefore had no right to sue. Sixth Circuit decision.</p> <p>Title insurer seeks review of FDIC standing to sue, Banking and Finance Law Daily, Jan. 20, 2015.</p>
14-716	12/16/2014	Nicaj v. Shoe Carnival, Inc.	Fair Credit Reporting Act	Cert. denied 2/23/2015	<p>Whether a merchant's inclusion of excessive information on a credit card receipt was a willful violation of the law, and whether a decision could be made that the inclusion would not be a willful violation without first deciding whether it was, in fact, a violation.</p> <p>Willful card receipt violation discussed, class action settlement terms ripped, Banking and Finance Law Daily, Sept. 22, 2014.</p>
14-508	10/30/2014	Pereira v. Regions Bank	Preemption	Cert. denied 12/1/2014	Whether host state laws that are preempted from enforcement against

					<p>national banks are preempted from enforcement against out-of-state banks. Eleventh Circuit decision.</p> <p>The application of the host state law to out-of-state, state-chartered banks is preempted by the Federal Deposit Insurance Act, Banking and Finance Law Daily, June 2, 2014.</p>
14-501	8/27/2014	Vantium Capital, Inc., v. Gretsch	Preemption	Cert. denied 12/15/2014	Whether an attempt to predicate a violation of Minnesota mortgage loan servicer laws on violations of a servicer's HAMP duties was preempted. Minnesota Supreme Court decision .
14-485	10/27/2014	Hillside Metro Associates, LLC, v. JPMorgan Chase Bank	Receiverships	Cert. denied 2/23/2015	<p>Whether an owner of property where a failed bank planned a branch has standing to sue the acquirer of the bank's assets for rent under a "privity of estate" theory regardless of the FDIC's rejection of the lease under the purchase and assumption agreement. Second Circuit decision.</p> <p>Landlord could not enforce FDIC's purchase and assumption agreement against bank that rejected unfinished branch, Banking and Finance Law Daily, Feb. 4, 2014.</p>
14-441	10/13/2014	Hammer v. Sam's East, Inc.	Fair Credit Reporting	Cert. denied 1/26/2015	Whether including on a credit card receipt a membership number that incorporated more than five digits of the credit card number violated the Fair Credit Reporting Act. Eighth Circuit decision .

					Interpreting law as allowing printing of membership number that duplicated credit card number not unreasonable, Banking and Finance Law Daily , June 5, 2014.
14-370	9/29/2014	Med-1 Solutions v. Suesz	Fair Debt Collection Practices Act	Cert. denied 12/8/2014	<p>Whether the term “judicial district” should be determined under state law or federal common law. Seventh Circuit decision.</p> <p>A debt collector must base its choice of venue on the smallest geographical area that is used to determine venue in the relevant court system, Banking and Finance Law Daily, July 7, 2014.</p>
14-356	9/24/2014	Phelan Hallinan & Schmeig, LLP v. McLaughlin	Fair Debt Collection Practices Act	Cert. denied 11/10/2014	<p>Whether a consumer must follow the debt validation procedures set forth in the FDCPA before filing suit against a debt collector. Third Circuit decision.</p> <p>Whether an FDCPA validation notice in a letter to the consumer constitutes “debt collection activity” under the FDCPA, Banking and Finance Law Daily, June 27, 2014.</p>
14-200	8/18/2014	NACS v. Board of Governors of the Federal Reserve System	Electronic Fund Transfers	Cert. denied 1/20/2015	Whether the Federal Reserve Board’s limit on debit card interchange fees permits card issuers to recover costs in addition to those specified by the Dodd-Frank Act. D.C. Circuit decision .

					Fed's debit card swipe fee, network exclusivity regulation upheld, Banking and Finance Law Daily , March 21, 2014.
13-852	1/14/2014	Fannie Mae v. Sundquist	Preemption	Cert denied 11/10/2014	<p>Whether a Texas-based national bank could exercise fiduciary powers under a trust deed to foreclose on Utah property that secured a mortgage when Utah law denied the bank the authority to act as a trustee. Utah Sup. Ct. decision.</p> <p>State laws on authority to foreclose not preempted by National Bank Act, Banking and Finance Law Daily, July 24, 2013.</p>
14-1191	3/25/2015	Quicken Loans Inc. v. Brown	Consumer Credit		<p>Whether, in applying the punitive-to-compensatory-damages ratio, the West Virginia state court properly included attorney's fees and costs as part of the compensatory damages component.</p> <p>Whether the West Virginia state court evaded its obligation to address federal constitutional claims raised by the mortgage lender and improperly awarded excessive punitive damages to the borrower in violation of substantive due process protections afforded by the Fourteenth Amendment.</p>