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Criminal Justice Debt

- *Crain & Serna v Accredited Surety and Casualty Co., et al.*, Case No RG1900-4509 Complaint and Press Release
NCLC has filed a class-action lawsuit, with our partners at Lief Cabraser Heimann & Bernstein LLP, Justice Catalyst Law, Public Counsel, and Towards Justice, in which we are challenging a scheme to inflate the price of bail premiums in the state of California. The lawsuit was filed in California state court on Jan 29, 2019, against the surety companies that underwrite bail bonds and the state and national trade associations representing the bail bond industry. Plaintiffs allege that an unlawful antitrust conspiracy has kept bail bond premiums higher than they would be if the California bail-bonds market functioned competitively. This scheme, ongoing since at least 2004, has not only made bail bonds costlier for California consumers, but also resulted in more people spending time in jail while awaiting trial-separated from their families, jobs, and lives. The suit seeks damages for the hundreds of thousands of Californians who have overpaid for unlawfully inflated bail bond premiums and also injunctive relief to end the overcharges going forward.
- *Pearson et al v Hodgson and Securus Technologies, Inc*, Case No. 18-1360, Complaint and Press Release
With our partners at Prisoners' Legal Services, Harvard Law School's Legal Services Clinic, and Bailey Glasser LLP, NCLC has filed a class-action lawsuit in MA federal court in which we are challenging an alleged illegal kickback scheme between the Bristol County Sheriff's Office and telecom giant Securus Technologies that is nearly doubling the cost of privatized calls made by prisoners in Massachusetts correctional facilities. The challenge is based on Massachusetts laws restricting the ability of sheriffs to assess fees; this litigation targets a scheme by which the Bristol County Sheriff is attempting to get around those restrictions by contracting with the private vendor in order to extract revenues on his behalf. The suit seeks an injunction prohibiting the kickback scheme and monetary relief in the amount of the unjust enrichment generated by the practice. On December 20th, 2018 the Court denied a motion to dismiss filed by the Sheriff's Office and declined to dismiss the claims asserted against Securus under M.G.L. c.93A, the Massachusetts Consumer Protection Statute.
- *Egana v Blair's Bail Bonds, Inc.* Case No. 2:17-cv-5899 First Amended Complaint
Plaintiffs (who are accused criminal defendants) and others who agreed to indemnify the bail bond company in case of loss, filed this action on behalf of themselves and all individuals whose rights under federal and state law were violated when they contracted with Defendants for a bail bond to secure their own or their loved ones' release from jail. The Amended Complaint describes the process through which Defendant bail bond company agreed to allow plaintiffs to finance the premium for the bond, but utilized contracts that violate the Truth in Lending Act, 15 U.S.C. § 1601 et seq. by failing to make necessary disclosures, and state contract, conversion, and usury laws by requiring payment of amounts above what state law allows, including paying daily fees for ankle monitors supplied by another company. The FAC also alleges that Defendants violated the Racketeer Influenced and Corrupt Organizations Act, 18 U.S.C. § 1962 (RICO) and the Louisiana Racketeering Act, La. Stat. Ann. § 15:1351, by conspiring to employ or contract with bounty hunters to kidnap, detain, and threaten to jail principals unless they or their loved ones paid money that was distributed between Defendants. NCLC's co-counsel are the Southern Poverty Law Center and the firm of Wilmer Hale

Debt Collection

- *Baker v. Ross* Press Release || Complaint – The innovative class action lawsuit was filed by the Public Interest Law Center, Chimicles & Tikellis LLP, and the National Consumer Law Center, on behalf of a low-income tenant named Cassandra Baker and others like her. The complaint alleges her landlord’s collection lawyer, like many landlord lawyers, used misleading debt collection practices while attempting to evict her and force her to pay rent she did not owe, and that those practices violated federal law. A class action settlement was agreed upon in June, 2018, and is subject to Court approval.
- *White v. Fein, Such & Crane, LLP* – Amended Complaint asserting that law firm pursuing foreclosures attempted to collect fees and costs for services that were not performed or for services for which it could not legally collect.

ERISA

- *Huffman v. Prudential Insurance Company of America*, Class Action Complaint
Claim for insurance company’s improperly benefiting from the use of proceeds of life insurance policies provided by employers.

Fair Credit Reporting

- *Robinson v National Student Clearinghouse*, April 18, 2019 Complaint
The Francis & Mailman firm, along with the National Consumer Law Center and Justice Catalyst Law, filed a class action lawsuit against the National Student Clearinghouse (“NSC”) in the United States Federal District Court for the District of Massachusetts. The suit alleges that NSC maintains vast databases housing detailed information about college students and their college enrollment history from which it sells reports to potential creditors, insurers and employers among others. As such, the complaint asserts that NSC is a credit reporting agency under the Federal Fair Credit Reporting Act and the Massachusetts Credit Reporting Act and that it has violated those statutes by requiring unlawful and excessive charges for consumers to access their files. The complaint also asserts that the disclosure overcharges constitute unfair conduct in violation of the Massachusetts Consumer Protection Act. The plaintiff seeks to have the overcharging practices enjoined, the unlawful and excessive charges returned, applicable statutory damages and punitive awards for the willful and knowing violations of the consumer statutes.
- *White v. Experian/TransUnion/Equifax*
The National Consumer Law Center is co-counsel for the plaintiffs in class action lawsuit against TransUnion LLC, Experian Information Solutions, Inc., and Equifax Information Services LLC (“Defendants”). The suit claims that the Defendants violated the Fair Credit Reporting Act (“FCRA”) and state laws when reporting debts that had been discharged in bankruptcy as not discharged, failed to conduct proper investigations of consumer disputes regarding such debts and caused damage to consumers as a result. An injunctive relief settlement has been approved by the Court, and a proposed damages settlement has been reached and finally approved by the Court, subject to appeal by objectors.

Foreclosure and Mortgage

- *Wilborn v. Bank One*, Class Action Complaint
This lawsuit challenged provisions in mortgages that allow reinstatement of a loan after default only if the homeowner brings all payments current and also pays the attorney’s fees incurred by the lender attempting to foreclose. NCLC and our co-counsel argued that these provisions were contrary to Ohio’s public policy that creditors cannot collect attorney’s fees

from borrowers in debt collection actions. The Ohio Supreme Court found that because the right to reinstate was contractual, not statutory, the requirement to pay attorney's fees was an enforceable part of the bargain. However, the Court distinguished reinstatement from other circumstances such as redemption or paying off a home equity line of credit, where the borrower pays the entire debt and no contractual relationship remains - in those circumstances, the lender cannot collect its attorney's fees. The Ohio Supreme Court remanded the remaining portion of the case which it distinguished for trial in the Court of Common Pleas, and that the matter remains pending there for those class members who did not have their debts reinstated.

High Cost Small Loans

- *Anderson v. Native American Loan Co.* - Complaint for unlawful trade practices in connection with tax refund anticipation loans.
- *Daye v. Speedy Loans*- Complaint and Judgment for unlawful trade practices in connection with disguised payday loans.

Mortgage Satisfactions

- *Stromberg v. Ocwen Loan Servicing* Third Amended Complaint and
- *Maddox v. Bank of New York Mellon* Complaint

These putative class actions seek penalties for untimely filing mortgage loan satisfactions of record.

Mortgage Servicing Litigation

Taylor v. Ocwen Loan Servicing Complaint for Violating Chapter 13 Bankruptcy Notice of Discharge Cures

Racial Justice

Henderson v Vision Property Management, LLC , Case No. 2:20-cv-12649-SFC-RSW. Class Action Complaint and Press Release, Sept. 29, 2020. NCLC, along with co-counsel NAACP Legal Defense and Educational Fund, Inc., ACLU of Michigan, and the Michigan Poverty Law Program, filed a federal class-action lawsuit against Vision Property Management, LLC and related entities in the U.S. Eastern District of Michigan. The lawsuit alleges that Vision purchased approximately 1,000 dilapidated homes in Southeastern Michigan and then sold many of them at a huge markup to homebuyers under contracts that were structured to fail. Vision promised these buyers a path to homeownership, but the terms of its contracts made that goal nearly impossible to achieve. The lawsuit, asserting claims under federal and Michigan civil rights and consumer protection laws, alleges that the company targeted Black communities in the Detroit, Inkster, and Flint areas.

Comcast v. NAAAOM Amicus brief urging the Court to affirm the Ninth Circuit's ruling denying Comcast's motion to dismiss, Sept. 30, 2019

Robocalls & Telemarketing

Salcedo v. Hanna Amicus brief in support of plaintiff-appellee's petition for rehearing and rehearing en banc, Sept. 25, 2019

Student Loans

- *Barber, Jenkins et al vs Devos and U.S. Department of Education*, Case No. 1:20-cv-01137, Amended Complaint and Press Release, May 7, 2020. **Share your story if you have had wages garnished in 2020 for a student loan.** NCLC and Student Defense, with support of the Student Borrower Protection Center filed an emergency APA lawsuit in the D.C. District Court against the U.S. Department of Education seeking to stop its garnishment of wages from defaulted student loan borrowers and to force the agency to immediately comply with Sec. 3513 (e) of the CARES Act that mandates that all such collections be ceased until at least next September. As reported by the Washington Post, the Education Dept. estimates that 285,000 borrowers are still having their wages garnished. A motion for injunctive relief class certification has also been filed.
- *Bodor v Maximus Federal Services, Inc.* Case No. 5:19-cv-05787-EGS in the U.S. District Court for Eastern Pennsylvania, December 19, 2019. **Complaint and press release.**
- *Bryant v. Navient Corp.* – Case No. 12-36689-BJH13 in the U.S. Bankruptcy Court, N.D. Texas, Dallas Division. This is a putative class action on behalf of numerous student loan borrowers across the country against the Department of Education and two of its servicers, Navient and Direct Loan Servicing. Filed in November, 2019, the suit seeks relief for the many student loan borrowers who made payments on their loans through their Chapter 13 plans, but whose payments were routinely returned to the Trustee, were then deposited in the Court Registry (where they are inaccessible to the borrowers), and were not credited to their loan accounts with the Department of Education. The problem is largely a result of the Department of Education changing servicers during the pendency of the borrowers' Chapter 13 plans. After making the switch of servicers, neither the Department of Education nor the servicers filed an amended proof of claim with the bankruptcy court or a notice of address change listing a different or new address for payment for any of these borrowers. As a result, hundreds of thousands of dollars is languishing in the Unclaimed Funds Registry of scores of bankruptcy courts throughout the country.
- *National Consumer Law Center v U.S. Department of Education*, April 17, 2019, **Complaint and [Press Release](#)**
The National Consumer Law Center (NCLC) filed a Freedom of Information Act (FOIA) complaint against the United States Department of Education (ED) in the United States District Court for the District of Massachusetts (C.A. No. 1:19-cv-10739). In the action NCLC seeks to have the ED produce a copy of its contract (including related amendments) with the Pennsylvania Higher Education Assistance Agency (PHEAA), one of the private student loan servicing companies with whom ED contracts to handle billing and other services for federal student loans. The U.S. Department of Justice and ED have stressed the importance of the requested materials, citing the contract as a basis to support their pronouncement that state regulators and law enforcement agencies are prohibited from enforcing state consumer protection statutes against student loan servicers. To date, however, nine (9) months after NCLC filed a FOIA Request on July 18, 2018 seeking the release of ED's contract and related documents arising from its relationship with PHEAA, ED has not communicated to NCLC its determination as to NCLC's Request, nor provided NCLC with any responsive documents as required by FOIA. NCLC has requested the Court to declare that ED has violated FOIA by its failure to timely respond to NCLC's Request and its failure to make the requested records promptly available and to order ED to make the requested records available to NCLC without further delay.
- *National Consumer Law Center v U.S. Department of Education*, April 19, 2018, **Complaint and Press Release**
The National Consumer Law Center filed a lawsuit in the U.S. District Court for Massachusetts against the U.S. Department of Education for records related to its purported justification for

delaying implementation of a rule to protect student loan borrowers from school fraud and abuse, including records of communications between agency officials and representatives of the for-profit college industry. NCLC filed a FOIA request for these records last summer and received limited, heavily redacted materials in response. NCLC asks the court to declare that the Department's search was inadequate and its withholding of the records is unlawful, and to order the agency to make the requested records available without delay. Public Citizen is serving as co-counsel on the case.

- *Menendez v. DeVos and the US Department of Education, Complaint* The Legal Aid Foundation of Los Angeles and National Consumer Law Center filed a lawsuit in federal court against the U.S. Department of Education and Secretary Betsy DeVos on behalf of three student loan borrowers defrauded by the for-profit Marinello Schools of Beauty ("Marinello"). At the time of its closure, Marinello had 56 campuses throughout California, Connecticut, Kansas, Massachusetts, Nevada, and Utah. The complaint challenged the Department's delay of student loan borrower defense regulations. Shortly after the case was filed, the Department mooted it by granting discharges to the three named plaintiffs.
- *Case against the United States Department of Education*
The National Consumer Law Center is co-counsel in a Freedom of Information Act suit requesting public records of the U.S. Department of Education regarding race and debt collection practices of third-party debt collectors hired by the Department. *Complaint, Exhibit 1* (FOIA request, May 7, 2015), *Exhibit 2, Exhibit 3, and Exhibit 4, and Press Release*

CLOSED CASES