

# Obduskey v. McCarthy & Holthus L.L.P.

On March 20, 2019, the Supreme Court's unanimous decision in *Obduskey v. McCarthy & Holthus L.L.P.* examined liability for violations of the Fair Debt Collection Practices Act (FDCPA) that are committed in non-judicial foreclosures.

This webpage provides resources to consumer attorneys litigating FDCPA cases arising from foreclosures. This webpage will be updated as more materials become available. Please email [akuehnhoff@nclc.org](mailto:akuehnhoff@nclc.org) with any submissions of relevant materials.

## Articles Discussing Case Development

- Viable FDCPA Claims Arising from Foreclosures After March 20 Supreme Court Decision by NCLC attorneys Geoff Walsh and April Kuehnhoff, March 26, 2019

## Sample Obduskey Briefing

- *Amodio v. Ocwen Loan Servicing LLC, et al.* (M.D. Tenn.)
  - Memorandum in Opposition to Summary Judgment
  - Memorandum and Order Denying Summary Judgment (5/7/2019)
- *Eastman v NPL Capital LLC, No. 1:17-cv-03074* (D. Colo.)
  - Second Amended Complaint
  - Motion to Dismiss Complaint
  - Response to Motion to Dismiss Complaint
  - Order Denying Motion to Dismiss Complaint (4/15/2019)
- *Sevela v. Kozeny & McCubbin, L.C.*, Case No. 18-cv-390 (D. Neb.)
- *Smith v. Bank of New York Mellon, No. 2:19-cv-00538* (W.D. Wash.)
  - Response to Motion to Dismiss

## Additional Resources

- National Association of Consumer Advocates (NACA) webinar: The Scope of the FDCPA: Implications of the *Obduskey* Decision, June 26, 2019. Note: Non-members of NACA must be vetted prior to purchasing. Please e-mail [rebecca@consumeradvocates.org](mailto:rebecca@consumeradvocates.org)
- *Obduskey v. McCarthy & Holthus L.L.P.*, Supreme Court Decision, March 20, 2019