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 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)

  - 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
- Obduskey v. McCarthy & Holthus L.L.P., Supreme Court Decision, March 20, 2019