



Ethan G. Ostroff

Counsel

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Ethan Ostroff is a member of the firm's Consumer Financial Services practice, with a focus on Financial Services Litigation and consumer law compliance counseling.

Ethan is part of the firm's national practice defending consumer-facing companies of all types in defense of individual and class action claims. Ethan has represented businesses in many venues nationally, including in Arkansas, Colorado, California, Florida, Georgia, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Missouri, Nevada, New Jersey, New York, North Carolina, Ohio, Oregon, Pennsylvania, Tennessee, Texas, Virginia, Washington, West Virginia, and Wisconsin.

Ethan's litigation, compliance and regulatory practice includes representing debt buyers, debt collectors (including law firms), banks, auto finance companies, credit card issuers, and other first party creditors, as well as consumer reporting agencies, and other related consumer finance entities, in particular with the "alphabet soup" of consumer protection statutes, including the Fair Credit Reporting Act ("FCRA"), Fair Debt Collection Practices Act ("FDCPA"), Telephone Consumer Protection Act ("TCPA"), Electronic Fund Transfer Act ("EFTA"), Truth in Lending Act ("TILA"), Equal Credit Opportunity Act ("ECOA") Real Estate Settlement Procedures Act ("RESPA"), other federal and state statutes, and common law.

Ethan also represents companies and individuals in a variety of commercial matters including patent, trademark and other intellectual property litigation, commercial real estate disputes, shareholder/partner/member disagreements, construction, and related complex litigation matters.

Ethan provides ongoing analysis and commentary on developments in consumer financial services industry, with a focus on debt collection and credit reporting, through the Consumer Financial Services Law Monitor blog at www.cfslawmonitor.com.

Representative Matters

- Debt buyers, collection agencies, law firms and first party creditors in federal and state court litigation, compliance issues and interactions with regulators involving FDCPA, FCRA, TCPA, EFTA and other federal and state laws.

Practice

- Financial Services Litigation
- Consumer Financial Services
- Business Litigation
- Litigation

Education

- American University (J.D., *cum laude*, 2005)
- University of Memphis (M.A., 2002)
Philosophy
- Emory University (B.A., 1999)
summa cum laude

Work Experience

- Counsel, Troutman Sanders LLP, 2017-present
- Associate, Troutman Sanders LLP, 2009-2016
- Associate, Vandeventer Black LLP, 2006-2009
- Law Clerk to the Honorable H. Thomas Padrick, Jr., The Honorable A. Bonwill Shockley, and The Honorable Fredrick B. Lowe, Virginia Beach Circuit Court, Second Judicial Circuit, 2005-2006
- Legal Intern to the Honorable Richard W. Roberts, U.S. District Court for the District of Columbia, 2004-2005

Bar and Court Admissions

- Virginia
- U.S. Court of Appeals for the Second Circuit
- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the Eleventh Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the Northern District of Illinois
- U.S. District Court for the Southern District of Illinois
- U.S. District Court for the Northern District of Indiana
- U.S. District Court for the Southern District of Indiana
- U.S. Bankruptcy Court for the Eastern

- Banks, mortgage lending institutions, and loan servicers in federal and state court litigation involving claims of violating the FCRA, FDCPA, ECOA, RESPA, TILA, and other federal and state laws.
- National and community banks in various creditor's rights litigation and advice regarding compliance with federal and state laws as well as interacting with regulators.
- Businesses and individuals in business torts litigation in federal and state courts.
- Owners, general contractors, and subcontractors in residential and commercial construction disputes in state and federal court.

Speaking Engagements and Publications

- Speaker, "Maintain TCPA Compliance - Understand What HIPAA Constitutes as a Health Care Message," Lorman Education Services, September 26, 2018.
- Speaker, "TCPA Update," Credit and Collection News Annual Conference, Lake Tahoe, CA, April 11-12, 2018.
- Presenter, "Detangling Licensing Requirements – Monitoring for Changes, License Maintenance and Practical Considerations," 2018 RMA Annual Conference.
- Presenter, "What to Expect From the CFPB," Lorman Education Services, January 30, 2018.
- Co-author, "[Annual Report: 2017 Consumer Financial Services Year in Review and a Look Ahead](#)," January 10, 2018.
- Speaker, "Top Ten Debt Collection Lessons from 2017," American Financial Services Association, November 9, 2017.
- Presenter, "An Overview of the CFPB," Virginia Creditors Bar Association, Eighth Annual Collections Seminar, Williamsburg, VA, October 5, 2017.
- Co-author, "[U.S. Supreme Court Rejects 'Meaningful Attorney Involvement' Case](#)," *insideARM*, May 9, 2017.
- Presenter, "Credit Card Collections: Best Practices," Lorman Education Services, August 30, 2017.
- Panelist, "Debt Collection Litigation Management Best Practices," ACA International Convention, Seattle, Washington, July 17, 2017.
- Panelist, "A Review of the Supreme Court's Decision in *Henson v. Santander Consumer USA*," Troutman Sanders Consumer Financial Services Webinar Series, June 12, 2017.
- Presenter, "All You Need to Know About the Fair Debt Collection Practices Act but Didn't Know to Ask," Lorman Education Services, May 15, 2017.
- Panelist, "Electronic Fund Transfer Act (EFTA) - Latest Trends and Developments," Troutman Sanders Consumer Financial Services Webinar Series, March 23, 2017.
- Presenter, "Navigating Risks, Threats, and Lawsuits in the Credit and

District of Michigan

- U.S. Bankruptcy Court for the Western District of Michigan
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the Western District of Michigan
- U.S. District Court for the Western District of New York
- U.S. District Court for the District of North Dakota
- U.S. District Court for the Northern District of Ohio
- U.S. District Court for the Western District of Tennessee
- U.S. District Court for the Eastern District of Texas
- U.S. District Court for the Western District of Texas
- Supreme Court of Virginia
- U.S. Bankruptcy Court for the Eastern District of Virginia
- U.S. Bankruptcy Court for the Western District of Virginia
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Western District of Virginia
- U.S. District Court for the Eastern District of Wisconsin
- U.S. District Court for the Western District of Wisconsin

Distinctions

- Named as Top Lawyer in *Coastal Virginia Magazine* and *CoVa BIZ Magazine* (2018-2019).
- Selected as a Rising Star in Consumer Law by *Law & Politics' Virginia Super Lawyers Magazine* (2012-2017).
- Named to *Virginia Business* magazine's Legal Elite Under 40 (2009, 2014-2016), Appellate Law (2011-2013), and Civil Litigation (2017).

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- Collection Industry," Lorman Education Services, July 28, 2016.
 - Presenter, "Significant Cases Affecting the Debt Buying Industry in 2016," Debt Buyers Association International Webinar, July 19, 2016.
 - Speaker, "Maintain TCPA Compliance - Understand What HIPAA Constitutes as a Health Care Message," Lorman Education Services, April 12, 2016.
 - Panelist, "Attorney/Debt Buyer Roundtable," Debt Buyers Association Annual Conference, Las Vegas, NV, February 9-11, 2016
 - Presenter, "All You Need to Know About the Fair Debt Collection Practices Act but Didn't Know to Ask," Lorman Education Services, December 17, 2015.
 - Presenter, "Debt Collectors and Federal Regulators: Recent Developments with the CFPB, FTC and FCC," Virginia Creditors Bar Association, Sixth Annual Collections Seminar, Williamsburg, VA, October 8, 2015.
 - Co-author, "CFPB Issues 'Guiding Principles' for Financial Technology Payment Systems to Ensure Consumer Protections," *TerraLex Connections*, September 2015.
 - Speaker, "The Devil in the Details: High Risk FCRA Reporting Issues for Furnishers," [The Association of Credit and Collection Professionals 2015 International Annual Convention and Expo \(ACA\)](#), Boston, MA, July 20, 2015.
 - Co-author, "[New York Announces Sweeping New Regulation of the Debt Collection Industry](#)," *TerraLex*, March 16, 2015.
 - Co-author, "[Fourth Circuit Rules Debt Collector Violated 'Call Charged' Section of TCPA for Using an ATDS to Call a Residential Landline](#)," *Terralex Connections*, December 9, 2014.
 - Presenter, "Navigating Risks, Threats, and Lawsuits in the Credit and Collection Industry Live Webinar," Lorman Education Services, Aug. 27, 2014.
 - Presenter, "CFPB, FTC, State Regulators and Compliance," Credit and Collection News Seminar, Atlanta, GA, Feb. 18-19, 2014.
 - Co-author, "[TCPA Rule Changes are in Effect: Is Your Marketing Campaign Ready?](#)" *TerraLex Connections*, January 2014.

Recent Cases

- *Higgins v. Ally Financial Inc.*, 2018 U.S. Dist. LEXIS 187077 (W.D. Mo. Nov. 1, 2018) (granting motion to compel arbitration of claims for violation of the TCPA and Missouri state law involving auto finance account).
- *Maleh v. United Collection Bureau, Inc.*, 2018 U.S. Dist. LEXIS 41094 (E.D.N.Y. Jan. 26, 2018) (dismissing putative FDCPA class action alleging improper disclosure and collection of post charge-off interest).
- *Haskins v. Ally Fin. Inc.*, 2017 U.S. Dist. LEXIS 128417 (M.D. Fla. Aug. 4, 2017) (granting motion to compel arbitration in TCPA litigation).
- *Massey v. Ally Fin., Inc.*, 2017 U.S. Dist. LEXIS 130693 (S.D. Tex. Aug. 3, 2017) (denying consumer's motion to dismiss counterclaim and finding supplemental jurisdiction exists over counterclaim for state law breach of contract asserted in response to consumer's lawsuit for alleged TCPA

violations).

- *Anenkova v. Van Ru Credit Corp.*, 2016 U.S. Dist. LEXIS 108950 (E.D. Pa. Aug. 17, 2016) (obtained summary judgment dismissing FDCPA class action for barcodes appearing through envelope windows).
- *Binder v. Weststar Mortg., Inc., et al.*, 2016 U.S. Dist. LEXIS 90620 (E.D. Pa. July 13, 2016) (granting motion to dismiss FDCPA, TCPA, RESPA and related claims under Pennsylvania state law).
- *Martin v. United Collections Bureau, Inc.*, 2015 U.S. Dist. LEXIS 91017 (E.D. Mo. July 14, 2015) (obtained summary judgment dismissing FDCPA claims related to credit reporting against a debt collector).
- *United States v. 515 Granby, LLC*, 736 F.3d 309 (4th Cir. Nov. 20, 2013) (prevailing on appeal in eminent domain litigation regarding Equal Access to Justice Act).
- *Blick v. Soundview Home Loan Trust 2006-WF1*, 2013 U.S. Dist. LEXIS 4186 (W.D. Va., Jan. 10, 2013), *aff'd* *Blick v. Soundview Home Loan Trust 2006-WF1*, 521 Fed. Appx. 207 (4th Cir. Mat 28, 2013).
- *Schmidt v. Wells Fargo Home Mortg.*, 2011 U.S. Dist. LEXIS 45122 (E.D. Va. April 26, 2011), *aff'd* 2012 U.S. App. LEXIS 22547 (4th Cir. Oct. 31, 2012) (dismissing with prejudice FDCPA, TILA, Virginia Consumer Protection Act, estoppel and fraud claims).
- *Vera, et al. v. Olympia West Mortgage Group LLC, et al.*, CL2011-08325 (Fairfax County Circuit Court, Feb. 3, 2012), *aff'd* Record No. 120731, Supreme Court of Virginia, Oct. 15, 2012 (dismissing quiet title and declaratory relief claims with prejudice).
- *Blick v. Wells Fargo Bank, N.A., et al.*, 2012 U.S. Dist. LEXIS 41266 (W.D. Va. March 27, 2012), *aff'd* 2012 U.S. App. LEXIS 17150 (4th Cir. Aug. 14, 2012) (dismissing with prejudice claims for improper foreclosure and to quiet title, and claims under FDCPA and FCRA).
- *Lepelletier v. Fair Oaks Motors, Inc., et al.*, 2012 U.S. Dist. LEXIS 109363 (E.D. Va. Feb. 24, 2012), *aff'd* 2012 U.S. App. LEXIS 16050 (4th Cir. Aug. 1, 2012) (dismissing FCRA claim with prejudice).
- *Schmidt v. HSBC Bank USA, N.A.*, 83 Va. Cir. 306, 2011 Va. Cir. LEXIS 249 (Circuit Court for the City of Richmond, Virginia, September 1, 2011), *aff'd* Record No. 120377, Supreme Court of Virginia, June 8, 2012 (dismissing claims to stop non-judicial foreclosure).
- *Taylor v. First Premier Bank*, 841 F. Supp. 2d 931; 2012 U.S. Dist. LEXIS 8970 (E.D. Va. Jan. 11, 2012) (dismissing FCRA, FDCPA, negligence and defamation claims).
- *Vera, et al. v. Olympia West Mortg. Group, LLC, et al.*, 861 F. Supp. 2d 700, 2011 U.S. Dist. LEXIS 156505 (E.D. Va. Oct. 29, 2011) (dismissing TILA claims with prejudice).
- *Sherman v. Litton Loan Servicing, L.P.*, 2011 U.S. Dist. LEXIS 143060 (E.D. Va., Dec. 3, 2011) (denying motion to reconsider and holding subject matter jurisdiction exists over claim under the Home Affordable Modification

Program).

- *Bank of the Commonwealth v. Hudspeth*, 282 Va. 216, 714 S.E.2d 566, 2011 Va. LEXIS 189, Supreme Court of Virginia, Sept. 16, 2011 (compelling arbitration of employment claim under federal securities laws).
- *Sherman v. Litton Loan Servicing, L.P.*, 2011 U.S. Dist. LEXIS 71756 (E.D. Va., July 1, 2011) (dismissing with prejudice claims under the Home Affordable Modification Program).
- *Secured Sys. Tech., Inc. v. Frank Lill & Son, Inc.*, 2011 U.S. Dist. LEXIS 45399 (W.D. N.Y. April 27, 2011) (construction).
- *Watkins v. Wells Fargo Bank*, 2011 U.S. Dist. LEXIS 20295 (S.D. W. Va. Feb. 28, 2011) (consumer law).
- *Watkins v. Wells Fargo Home Mortg.*, 2010 U.S. Dist. LEXIS 59372 (S.D. W. Va. June 15, 2010) (consumer law).
- *Hill v. Wells Fargo Bank, N.A.*, 2010 U.S. Dist. LEXIS 56662 (S.D. W. Va. June 9, 2010) (consumer law).
- *Mullen v. Cornerstone Inv. Funding, LLC*, 2010 LEXIS 64 (Circuit Court of The City Of Norfolk, Virginia, May 20, 2010) (real estate).
- *Heinz Kettler GmbH & Co. v. Razor USA, LLC*, 750 F. Supp. 2d 660, 2010 LEXIS 119954 (E.D. Va. Nov. 5, 2010) (patent infringement).
- *Heinz Kettler GmbH & Co., KG v. Little Tikes Co.*, 680 F. Supp. 2d 757, 2010 LEXIS 4507 (E.D. Va. January 14, 2010) (patent infringement).
- *Wygat v. Litton Loan Servicing LP*, 2009 U.S. Dist. LEXIS 73183 (S.D. W. Va. Aug. 18, 2009) (consumer law).
- *Access2go, Inc. v. Hipage Co.*, 2009 U.S. Dist. LEXIS 121693 (C.D. Ill. Aug. 10, 2009) (business torts).
- *McCormick v. Wells Fargo Bank, N.A.*, 640 F. Supp. 2d 795, 2009 U.S. Dist. LEXIS 15406 (S.D.W.V. 2009) (dismissing FDCPA class action).
- *Maxwell v. Wells Fargo Bank, N.A.*, 2009 U.S. Dist. LEXIS 94476 (S.D. W. Va. Oct. 9, 2009) (consumer law).
- *Global Ampersand, LLC v. Crown Eng'g & Constr.*, 2009 LEXIS 91009 (E.D. Ca. Sep. 14, 2009) (construction).
- *Watkins v. Wells Home Mortg.*, 2008 U.S. Dist. LEXIS 47834 (S.D.W.V. 2008) (predatory lending class action).
- *Humphrey v. Global Equity Lending, Inc.*, 2008 U.S. Dist. LEXIS 101784 (E.D. Va., Dec. 17, 2008) (consumer law).
- *Century Realty of Tidewater v. Nasios, Vasilios, et al.*, Supreme Court of Virginia, record number 072039 (Aug. 1, 2008) (real estate).
- *Clark v. Nat'l Shipping Co. of Saudi Arabia*, 2008 LEXIS 38928 (E.D. Va. May 12, 2008) (maritime).
- *Norfolk Dredging Co. v. City of Chesapeake*, 2007 LEXIS 52673 (E.D. Va. July 20, 2007) (maritime).

Professional and Community Involvement

- Association for Credit and Collection Professionals International (ACA)
- Virginia Chair, ACA Attorney State Chair Program (2013-present)
- Member, ACA Council of Delegates
- Member, ACA Education Foundation Board of Directors
- Virginia Collectors Association
- Receivables Management Association International (RMA)
- Member, RMA Amicus Committee
- Virginia Legislative Chair, RMA State Legislative Committee
- Virginia Bar Association (2006-present)
- Member, Executive Committee of the Young Lawyers Division of the Virginia Bar Association (2013-2014)
- Co-chair of the Disaster Legal Assistance Committee of the Young Lawyers Division of the Virginia Bar Association (2007-2014)
- Member, For Art's Sake Board of Directors (2007-2010).