

February 2024 Class Action Blog Summary

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What are the most significant judicial decisions affecting class action litigation, and how might they impact your business?

Our attorneys tackle these questions, and more, in our blog, [Consumer Financial Services Law Monitor](#). The following overview provides summaries of our most recent posts, which include case summaries, key takeaways, and practical insights affecting class action litigation.

Do you have a question or comment about the information presented in our posts? Please contact [Scott Kelly](#) and [Mary Zinsner](#), partners in our financial services litigation practice.

About Our Class Action Practice

Troutman Pepper's national class action litigation team defends bet-the-company class actions across the U.S. We have successfully defended class actions in more than 35 states, including California, Florida, Illinois, and West Virginia.

We have a long track record of resolving class actions for clients in diverse industries and affecting a wide range of legal and business concerns. Our team includes attorneys whose practices are dedicated to sectors such as financial services, insurance, hospitals and health care, pharmaceuticals and medical devices, retail, higher education, and more. We offer a deep bench of experienced attorneys in areas such as debt collection practices, data breach, privacy, products liability, securities, mass tort, unfair business practices, labor and employment, environmental, ERISA, and antitrust.

Featured Posts

[Speak for Yourself: Court Denies Class Certification in TCPA Case Based on Class Members' Potentially Mixed Reactions to Ringless Voicemail Messages](#)

On January 18, a court in the Eastern District of Wisconsin [denied class certification](#) in a Telephone Consumer Protection Act (TCPA) case concluding that the factual issue of whether the proposed class members had suffered an injury-in-fact sufficient to confer Article III standing based on the receipt of a ringless voicemail was an individualized issue that would predominate over common issues.

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[**Troutman Pepper Publishes 2023 Consumer Financial Services Year in Review and A Look Ahead**](#)

We are pleased to share our annual review of regulatory and legal developments in the consumer financial services industry. With active federal and state legislatures, consumer financial services providers faced a challenging 2023. Courts across the country issued rulings that will have immediate and lasting impacts on the industry. Our team of more than 140 professionals has prepared this concise, yet thorough analysis of the most important issues and trends throughout our industry. We not only examined what happened in 2023, but also what to expect — and how to prepare — for the months ahead.

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[**Fourth Circuit Denies Class Certification Based on Lack of Ascertainability Due to Online Fax Services Being Outside TCPA's Statutory Scope**](#)

In *Career Counseling, Inc. v. Amerifactors Financial Group, LLC*, the U.S. Court of Appeals for the Fourth Circuit upheld a district court's decision denying class certification in a Telephone Consumer Protection Act (TCPA) case on the basis that the plaintiff failed to satisfy Rule 23's "implicit further requirement of ascertainability." The Fourth Circuit also upheld summary judgment against the defendant as to the individual claim finding the defendant was indeed the "sender" of the fax at issue. Each finding is discussed more fully below.

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[**Bank and Loan Servicer Move to Dismiss Purported Class Action Asserting Violations of Georgia Usury Law and RICO**](#)

Recently, Lead Bank and its loan servicer Hyphen, LLC, an online lending platform operating Helix Financial, filed a [motion to dismiss](#) a purported class action alleging violations of the Georgia Installment Loan Act (GILA) and Georgia racketeering law arising out of a consumer installment or "payday loan." Specifically, the plaintiff alleged that the loan agreement between herself and Lead Bank was "nothing more than a façade, and a temporary one at that" in an attempt to evade Georgia's restrictions on payday lending.

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[**Virginia House Bill 418 Could Authorize Class Action Lawsuits in the Commonwealth**](#)

Virginia is currently one of only two states that does not allow class-action lawsuits in its courts. However, that could change soon as [House Bill \(HB\) 418](#), originally introduced on January 10, 2024, seeks to create a class-action framework loosely modeled on the Federal Rules of Civil Procedure. On February 9, HB 418 passed the House of Delegates and will be sent to the Senate for consideration.

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[**Year in Review and a Look Ahead: Unraveling the Threads of Class Action Litigation**](#)

In this final episode of *The Consumer Finance Podcast Year in Review* series, host Chris Willis is joined by Tim St. George, a key member of our Consumer Financial Services Litigation team. They discuss the significant developments in consumer finance class action litigation in 2023 and what to expect in the year ahead. Topics include ethical issues associated with class actions, the debate over service awards, attorney-client privilege, and more. Tune in to gain insights from Tim's extensive experience in class action litigation and stay informed about the evolving legal landscape.

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