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May 2023 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

Ohio Federal Court Holds Mortgage Lender's Assessment of Post-Acceleration Late Fees Was Authorized by Loan Documents

In *Schmitt v. Security National Servicing Corporation*, the plaintiff filed a class action complaint alleging violations of the Fair Debt Collection Practices Act (FDCPA) and Ohio Residential Mortgage Lending Act (RMLA) premised on the assertion that her loan documents did not provide for the imposition of late fees after acceleration of the loan. The court disagreed with the plaintiff's assertion and granted the defendant's motion to dismiss.
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FDCPA Case Over Undated Model Validation Notice Dismissed for Lack of Standing

In *Bemero v. Lloyd & McDaniel, PC*, the U.S. District Court for the Northern District of Illinois granted a motion to dismiss in a Federal Debt Collection Practices Act (FDCPA) case where the Model Validation Notice (MVN) was undated, finding the plaintiff lacked standing because she did not allege a concrete injury.
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Florida Legislature Narrows Litigation-Spawning Telephone Solicitation Act

On May 2, the Florida legislature passed amendments to the Florida Telephone Solicitation Act (FTSA) that would drastically narrow its scope and presumably cut down on the number of class actions filed pursuant to it. The bill will take effect immediately after it is signed by Governor DeSantis.
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Florida State Court Holds Mere Statutory Violation Not Enough to Confer Standing Under TCPA

On May 10, Florida's Third District Court of Appeal issued an opinion in Pet Supermarket, Inc. v. Eldridge, holding that the plaintiff and putative class representative lacked standing to pursue his class action lawsuit under the Telephone Consumer Protection Act (TCPA). In *Eldridge*, the plaintiff visited a Pet Supermarket store where he learned about the store's contest to win free dog food for a year by texting the word "PETS" to a short code. The plaintiff gave his phone to one of the store's employees who entered the text from the plaintiff's phone. The plaintiff then received text messages from Pet Supermarket over the next several months.
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