

David M. Gettings

Partner

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Dave primarily defends consumer class actions. In a client's words with respect to an FCRA class action he was defending: "He is a forceful and prepared advocate when necessary, but also a peacemaker when that better serves the client. And he never, ever misses a detail or an angle."

OVERVIEW

Dave is a financial services litigator who defends consumer class actions and commercial litigation nationwide, with a particular focus on class actions involving credit reporting. Dave has deep experience representing companies across the credit reporting industry, including consumer reporting agencies, resellers, furnishers and end-users. This experience includes matters that span the full credit reporting landscape, including tenant screening, employment screening, mortgage underwriting, check processing, bank account opening, and many others.

Given his focus on credit reporting, Dave also co-hosts the firm's podcast on all things credit reporting, [FCRA Focus](#).

Dave also frequently represents banks and credit unions in addressing the complex challenges they face. For example, Dave regularly defends banks and credit unions against claims of elder financial exploitation as well as allegations of non-compliance with the Bank Secrecy Act. As a financial services litigator, Dave also represents clients in litigation involving a variety of federal and state laws, including the Military Lending Act (MLA), Telephone Consumer Protection Act (TCPA), the Fair Debt Collection Practices Act (FDCPA), the Truth in Lending Act (TILA), the Electronic Fund Transfer Act (EFTA), the Fair Credit Billing Act (FCBA).

Dave's clients range from *Fortune* 100 corporations to startups and closely held entities. He works effectively with both sophisticated in-house legal departments and business leaders who may be unfamiliar with the legal process. For some clients, that entails continuous communication and input, while others prefer a more hands-off approach. Dave tailors his representation to each client's individual needs.

REPRESENTATIVE MATTERS

- Fully prevailed on a motion to dismiss in a class action case for a national bank in the Central District of California involving allegations that the bank aided and abetted its customers' fraud and breach of fiduciary duty.
- Defeated a motion for class certification against a consumer reporting agency in the tenant screening space in

the Northern District of California by successfully highlighting the consumer's inadequacy to serve as a class representative.

- Prevailed on a motion for judgment on the pleadings on behalf of a national tenant screening company in response to a property management company's claim for indemnification related to a certified class action.
- Obtained a full dismissal of a class action complaint against a utility management company related to claims that the utility management company added fees that violated federal debt collection laws and state analogs.
- Successfully defeated multiple class action claims against an indirect auto lender by prevailing on multiple motions to compel arbitration and enforce the class action waiver.
- Successfully argued a motion to compel arbitration before the Eleventh Circuit on behalf of a leading restaurant company in a purported employment background check class action. Obtained a unanimous win before the Court of Appeals.
- Prevailed on summary judgment in a purported class action regarding a consumer reporting agency's ability to furnish reports to tribal lenders. The win clarifies consumer reporting agencies' duties with respect to credentialing and firm offers of credit.
- Obtained full dismissal through a motion to dismiss in a class action regarding a consumer reporting agency's duties with respect to bankruptcy information. The decision provides guidance as to consumer reporting agencies' obligations pertaining to public records.
- Procured summary judgment on behalf of a large national retailer in a purported FCRA background check class action. This decision was a complete win for the client, resulting in a dismissal of the entire class action complaint with prejudice.
- Successfully represented a leading furniture retailer against a *Fortune* 500 company in a lawsuit pertaining to an allegedly defective product. Eventually obtained a dispositive win for the client through a successful motion for spoliation sanctions, drastically limiting the plaintiff's claims.
- Prevailed in a weeklong patent infringement jury trial on behalf of a leisure boat manufacturer, earning a multimillion-dollar verdict for the client, including an injunction preventing future infringement.
- Obtained a \$4 million judgment for a regional bank based on assets it purchased through the Federal Deposit Insurance Corp. by, in part, using the federal common law *D'Oench Duhme* doctrine to eliminate the borrower's defenses to liability.

AWARDS

- *Benchmark Litigation*: "Future Litigation Star" in Virginia (2024-2025); "40 & Under Hot List" (2018, 2020-2021, 2023)
- Virginia Rising Star in Business, *Law & Politics*' Virginia Super Lawyers (2015-2016, 2016-2017)
- Legal Elite in Young Lawyers, *Virginia Business* (2014)

TOP AREAS OF FOCUS

- Class Action
- Consumer Financial Services
- Fair Credit Reporting Act (FCRA)
- Financial Services Litigation
- Student Lending

ALL AREAS OF FOCUS

- Auto Finance
- Banking Litigation

- Business Litigation
- Class Action
- Consumer Financial Protection Bureau (CFPB)
- Consumer Financial Services
- Consumer Law Compliance
- Consumer Reporting Agencies + Background Screening
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Financial Services
- Financial Services Litigation
- Litigation + Trial
- Military Lending
- Mortgage Lending + Servicing
- Student Lending
- Telephone Consumer Protection Act (TCPA)

PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Board of Directors, Horizons Hampton Roads, 2017-present
- President, Neighborhood Homeowners Association, 2018-present

PROFESSIONAL EXPERIENCE

- Intern, Department of Justice, National Security Division, summer 2008
- International Military Analyst, U.S. Department of Defense, 2004-2005

EDUCATION AND CERTIFICATIONS

EDUCATION

- University of Virginia School of Law, J.D., 2010
- College of William & Mary, B.A., 2004

BAR ADMISSIONS

- Virginia
- Texas

COURT ADMISSIONS

- Supreme Court of Virginia
- U.S. Court of Appeals, Fourth Circuit
- U.S. Court of Appeals, Seventh Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Eleventh Circuit

- U.S. Bankruptcy Court, Eastern District of Virginia
- U.S. District Court, District of Colorado
- U.S. District Court, Eastern District of Michigan
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Virginia
- U.S. District Court, Western District of Virginia
- U.S. District Court, Eastern District of Wisconsin

CLERKSHIPS

- Hon. Mark S. Davis, U.S. District Court, Eastern District of Virginia, 2010-2011

SPEAKING ENGAGEMENTS

- Speaker, “Tenant Screening Litigation Trends: Learning From Other Lawsuits To Avoid Our Own,” PBSA Mid-Year Legislative & Regulatory Conference, March 25, 2025.
- Speaker, “FCRA Litigation Overview,” National Consumer Reporting Association Conference, Mobile, AL, November 13, 2024.
- Speaker, “FCRA Litigation Issues that Keep CRA Owners & GC’s Awake at Night,” National Consumer Reporting Association Conference, Mobile, AL, November 12, 2024.
- Speaker, “Elder Financial Exploitation Litigation, Risks, and Compliance,” BSA/AML’s The Experience Conference, October 2, 2024.
- Speaker, “Background Screening Bingo,” PBSA Mid-Year Legislative & Regulatory Conference, March 26, 2024.
- Speaker, “Outside the Box: Future Screening Developments and Non-Traditional Products,” PBSA Annual Conference, September 12, 2023.
- Speaker, “Can ChatGPT Take Adverse Action? Benefits and Pitfalls of Artificial Intelligence and Machine Learning in Background Screening,” PBSA Annual Conference, September 11, 2023.
- Speaker, “California State Credit Reporting Regulations – Recent Litigation Updates,” Troutman Pepper, September 29, 2021.
- Panelist, “FCRA Roundtable: Emerging Trends and Developments,” Mortgage Bankers Association Regulatory Compliance Conference, Washington, D.C., September 14, 2021.
- Presenter, “Background Screening: Recent Hot Litigation & Compliance Issues,” Troutman Pepper Webinar, August 26, 2021.
- Guest lecturer, “Effectively Using Technology in Day-to-Day Lawyering and e-Discovery,” Technological Competence in the Law II, Regent University School of Law, April 9, 2021.
- Speaker, “Duguid v. Facebook: Supreme Court Answers the Call on the TCPA,” Troutman Pepper, April 7, 2021.
- Speaker, “Remote Depositions – Practical, Legal, Ethical & Technical Considerations,” Troutman Sanders, May 20, 2020.
- Presenter, “Credit Reporting and COVID-19: Guidance for Consumer Financial Service Companies Reporting Consumer Credit During the Pandemic,” Troutman Sanders Webinar, April 9, 2020.
- Speaker, “Significant Cases and Regulatory Developments in Fintech – Hot Issues and Associated Costs,” February 20, 2020.
- Speaker, “Recent Developments in the Student Loan Industry,” February 12, 2020.
- Presenter, “Text Messaging in ARM – Compliant Use Cases, Risks & Potential Pitfalls,” April 4, 2018.
- Co-presenter, “A TCPA in Chaos: Navigating the Circuit and District Courts Splits on the Interpretation of the

TCPA Since ACA International,” October 26, 2018.

- Presenter, “Electronic discovery overview and Office365,” July 16, 2018.
- Speaker, “Game-Changers in Consumer Class Actions,” Troutman Sanders Webinar, April 17, 2018.
- Presenter, “Did the D.C. Circuit Short-Circuit the TCPA? Life After *ACA v. FCC*,” April 3, 2018.
- Panelist, “eDiscovery Issues Impacting the Financial Services Industry,” September 6, 2017.

PUBLICATIONS

- Co-host, FCRA Focus Podcast.
- Podcast, “Regulatory Rollback: Inside the CFPB’s FCRA Guidance Withdrawal,” *The Consumer Finance Podcast*, June 12, 2025.
- Co-author, “Unpacking the Increasingly Popular Fair Credit Billing Act,” *Law360*, July 22, 2024.
- Co-author, “Troutman Pepper Publishes 2023 Consumer Financial Services Year in Review and A Look Ahead,” *Troutman Pepper*, February 1, 2024.
- Podcast, “Litigating Elder Financial Exploitation Cases: Defending Banks in a Tough Spot,” *The Consumer Finance Podcast*, October 19, 2023.
- Co-author, “CFPB Outlines Rulemaking Plan to Dramatically Alter Decades of FCRA Requirements for Everyone in the Consumer Data Ecosystem,” *Troutman Pepper*, September 21, 2023.
- Co-author, “Impending FCRA Data Broker Rulemaking Announced by CFPB Director Chopra at White House Data Broker Roundtable,” *Troutman Pepper*, August 16, 2023.
- Podcast, “AI: Impact and Use in Background Screening (Part Five),” *Regulatory Oversight Podcast*, May 30, 2023.
- Co-author, “CFPB Highlights Purported “Problems With Tenant Background Checks”,” *Troutman Pepper*, November 18, 2022.
- Co-author, “Credit Bureaus Dramatically Reduce Medical Debt Credit Reporting,” *Troutman Pepper*, March 22, 2022.
- Co-author, “Why Courts Are Skeptical of Past-Due Pay Status Cases,” *Law360*, February 25, 2022.
- Co-author, “2021 Consumer Financial Services Year in Review & A Look Ahead,” *Troutman Pepper*, January 28, 2022.
- Co-author, “Navient Settles with State AG Coalition Over Alleged Unfair, Deceptive, and Abusive Student Loan Origination and Servicing Practices,” *Troutman Pepper*, January 20, 2022.
- Co-author, “CFPB Issues Advisory Opinion on Name-Only Matching,” *Troutman Pepper*, November 5, 2021.
- Co-author, “Supreme Court Decision: *TransUnion v. Ramirez*,” *Troutman Pepper*, June 25, 2021.
- Co-author, “A Chainsaw, Rather than a Scalpel: Supreme Court Holds Telephony Must Include Random or Sequential Number Generator to Qualify as ATDS Under TCPA,” *Troutman Pepper*, April 1, 2021.
- Co-author, “Supreme Court Considers Standing and Typicality for No-Injury Class Actions in *TransUnion v. Ramirez Oral Argument*,” *Troutman Pepper*, March 31, 2021.
- Co-author, “Circuit Split on Class Feasibility Offers Defense Opportunities,” *Law360*, March 8, 2021.
- Co-author, “Washington State AG Pushes for Increased Penalties for Consumer Violations,” *Troutman Pepper State Attorneys General Monitor*, February 2021.
- Co-author, “2019 Consumer Financial Services Year in Review & a Look Ahead,” *Troutman Sanders*, February 24, 2020.
- Co-author, “The Words Strike Back: The Empire of TCPA Litigation Suffers a Mighty Blow at the Hands of the Eleventh Circuit, Which Joins Third Circuit in Finding That an ATDS Requires Random or Sequential Number Generation,” *Troutman Sanders*, January 28, 2020.
- Co-author, “Dissecting the Inherent Tension in Today’s TCPA Landscape,” *Law360*, August 5, 2019.

- Co-author, "High Court Junk Fax Case Is Not Just About Junk Faxes," *Law360*, November 20, 2018.
- Co-author, "Federal Inaction and State Activity: Student Loan Edition," *Law360*, August 1, 2018.
- Co-author, "Tussling Over Preemption: The Nascent Battle Lines Between State Authorities and Student Loan Servicers," *Business Law Today*, May 15, 2018.
- Co-author, "Expert Analysis: A Potential Shift on Education Debt Discharge Standards," *Law360*, March 9, 2018.
- Co-author, "Expert Analysis: The Good, the Bad and the Unclear in FCC's Plan for TCPA," *Law360*, June 5, 2015.
- Co-author, "District Court Finds That 'Complete and Up to Date' Requirement of FCRA § 1681K Does Not Include an Accuracy Component," *e-advisory*, December 30, 2016.
- Co-author, "U.S. Supreme Court Remands *Spokeo* in Ruling That Mere Technical, Statutory Violation Is Insufficient to Confer Article III Standing," *e-advisory*, May 16, 2016.
- Co-author, "CFPB Imposes \$13 Million FCRA Consent Order on Large Consumer Reporting Agencies Due to Employment Background Check Practices," *e-advisory*, November 4, 2015.
- Co-author, "Avoid Becoming the Next Target of a Class Action Taking Aim at Employers' Background Screening Forms," *e-advisory*, September 25, 2015.