

## Nathan R. Marigoni

Counsel

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D 470.832.5575



Nathan represents clients in consumer litigation and business disputes, with a focus on complex litigation, consumer class actions, and appeals.

### OVERVIEW

Nathan is counsel in the Consumer Financial Services Practice Group focusing on complex litigation and appeals. He has represented banks; mortgage lenders and servicers; and other financial services companies in litigation involving both individual and class-action claims under the Equal Credit Opportunity Act (ECOA), Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), False Claims Act (FCA), Truth in Lending Act (TILA), Military Lending Act (MLA), Telephone Consumer Protection Act (TCPA), Uniform Commercial Code (UCC), and state consumer protection statutes.

Additionally, Nathan has experience representing clients in commercial disputes and litigation, including business and commercial transaction disputes, intellectual property enforcement and defense, real estate and development litigation, and enforcement of restrictive employment covenants. He advises clients on strategies for the resolution of claims that focus on meeting the client's objectives through litigation or alternative dispute resolution.

Nathan is licensed to practice law in Utah and has represented clients in state and federal courts at both the trial and appellate levels across the U.S.

### REPRESENTATIVE MATTERS

- Defended a portfolio of cases on behalf of mortgage servicers involving efforts to strip mortgage investors of their first-position liens on residential properties in Nevada.
- Defended a national life insurance company in a portfolio of 25 cases filed in six states, seeking to impose liability on the company for losses incurred by more than 200 plaintiffs resulting from plaintiffs' purchase of a third-party financial product from independent insurance producers appointed with the company.
- Represented a lender in a near-nationwide putative class action alleging violations of the UCC's requirements for pre-sale notice of repossessed collateral.
- Successfully compelled individual arbitration in putative class action against auto finance company alleging violations of the MLA and obtained dismissal of appeal from order compelling arbitration.
- Represented a debt-buyer in a class action asserting violations of the FDCPA and state consumer-protection laws based on the claim that debt-buyer failed to register as debt collector under state law.

- Obtained affirmance on appeal of summary-judgment ruling dismissing plaintiffs' "true quiet title" and contract-based claims following dismissal, without appeal, of plaintiff's TILA claims arising from alleged fraud in the inducement of a home refinance transaction. *Lunt v. Nationstar Mortgage*, 800 F. App'x 627 (10th Cir. 2020).
- Represented a resort developer in referendum proceedings challenging re-zoning application and development agreement with county, litigating before the district court and Utah Supreme Court several novel issues of law regarding citizen referenda of land-use ordinances.
- Successfully defended trial court judgment denying junior lienholder's claim for \$9.8 million in foreclosure sale proceeds based on lien subordination and circular-priority arguments. *Trapnell & Associates, LLC v. Legacy Resorts, LLC*, 2020 UT 44 (dismissal on jurisdictional grounds of principal appeal; conditional cross-appeal summarily dismissed on remand).
- Obtained affirmance on appeal of district court order denying as untimely efforts to extract assets from receivership estate prior to termination of receivership, as counsel to court-appointed receiver in SEC enforcement action. *SEC v. American Pension Services*, 833 F. App'x 152 (10th Cir. 2020).
- Defended a state public-safety agency in procurement protest by aggrieved bidder involving administrative appeal, three district court actions, and motion practice before the Utah Court of Appeals and Utah Supreme Court. *Motorola Solutions, Inc. v. Utah Communications Authority*, 2019 UT 66.

## AWARDS

- *The Best Lawyers in America®: Ones to Watch* – Commercial Litigation (2021-2022, 2024-2025)

## TOP AREAS OF FOCUS

- Appellate + Supreme Court
- Class Action
- Consumer Financial Services
- Financial Services Litigation
- Military Lending

## ALL AREAS OF FOCUS

- Appellate + Supreme Court
- Business Litigation
- Class Action
- Consumer Financial Services
- Financial Services
- Financial Services Litigation
- Intellectual Property
- Litigation + Trial
- Military Lending
- Real Estate Litigation

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, David K. Watkiss – Sutherland II Inn of Court
- Executive Committee Member, Utah State Bar Appellate Practice Section

- Member, Serving our Seniors Committee, Utah State Bar Young Lawyers Division (2017-2019)
- Volunteer, Craft Lake City DIY Festival

## **PROFESSIONAL EXPERIENCE**

- Intern, Hon. Jill Parrish, Utah Supreme Court, 2011

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- The University of Utah, J.D., *Order of the Coif, with highest honors*, 2013, articles editor, *Utah Law Review*
- Weber State University, B.A., 2005

### **BAR ADMISSIONS**

- Utah

### **COURT ADMISSIONS**

- U.S. District Court, District of Utah
- U.S. Court of Appeals, Ninth Circuit
- U.S. Court of Appeals, Tenth Circuit
- U.S. Court of Appeals, Federal Circuit

### **CLERKSHIPS**

- Hon. Carolyn B. McHugh, U.S. Court of Appeals for the Tenth Circuit, 2015-2016
- Hon. Michele M. Christiansen, Utah Court of Appeals, 2013-2015

## **PUBLICATIONS**

- Author, "Unrepresented and Untimely: The PCRA's Disservice to Indigent Prisoners," *Utah OnLaw* 1, 2013.