# Simon A. Fleischmann

Partner

Chicago
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Simon manages complex litigation and regulatory enforcement actions for banks and non-bank financial services providers, bringing decades of experience in jury and non-jury trials, federal and state appellate arguments, and responding to investigations by the Consumer Financial Protection Bureau and the Illinois attorney general.

## OVERVIEW

Simon focuses on risk management, government enforcement, and complex civil litigation nationwide within the banking and consumer financial services sectors.

Simon's clients include financial institutions, mortgage servicers, commercial lenders, and other consumer-facing businesses. He handles consumer-related operations such as payment procedures, website accessibility, online payment fees, collateral preservation, default servicing, and credit reporting. Additionally, Simon advises on lender liability, U.C.C. Article 9 duties, and cannabis-related risk management.

Simon uses a strategic approach to mitigating risks and navigating regulatory landscapes. He is dedicated to understanding each client's unique challenges and utilizing a proactive communication style.

## REPRESENTATIVE MATTERS

- Representing a defendant in a qui tam action asserting a tax fraud scheme under the Illinois False Claims Act (IFCA).
- Defending a distributor in a commercial litigation with a supplier over an application of force majeure to recent supply chain issues.
- Representing a manufacturer in a dispute with a supplier over rebate terms and payment.
- Defending a mortgage loan servicer in a bankruptcy class action regarding the assessment of post-petition fees.
- Defending against class claims under the Racketeer Influenced and Corrupt Organizations Act (RICO) and Real Estate Settlement Procedures Act (RESPA) regarding Chapter 13 bankruptcy matters.
- Counseling a state bank on cannabis-related risk management.
- Representing clients across a broad range of industries in class actions regarding website accessibility under the Americans with Disabilities Act of 1990 (ADA) and related state laws.
- Defending a financial services company in a qui tam action under the federal False Claims Act (FCA) and Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (FIRREA) regarding loan default and

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modification practices.

- Defending several loan servicers in cases asserting claims under state Unfair or Deceptive Acts or Practices laws (UDAP) as well as claims of Unfair, Deceptive, or Abusive Acts or Practices (UDAAP).
- Representing several social networking, energy, and finance companies in class actions under the Telephone Consumer Protection Act of 1991 (TCPA).
- Avoided any enforcement action by the Consumer Financial Protection Bureau (CFPB) following a Civil Investigative Demand (CID) issued to a financial services client.
- Defended several spirits industry clients in class actions alleging deceptive labeling and marketing practices.
- Advised a private equity fund in assessing the risks presented by the CFPB regulation of consumer-facing businesses.
- Represented a mortgage industry client in responding to a CID from the Illinois attorney general.
- Represented a major mortgage servicer in a multidistrict litigation (MDL) matter involving claims of predatory lending practices against a defunct loan originator.
- Advising settlement service providers as to RESPA Section 8 risks associated with joint marketing ventures.
- Defended against class claims attacking a mortgage company's compliance with an Illinois mortgage-foreclosure reform statute.
- Represented an auto lender in a national class action challenging the imposition of late fees.
- Defending against class claims asserting wrongful eviction and REO procedures.
- Defending a mortgage loan servicer against class action claims attacking foreclosure processes.
- Handling a broad range of appeals for banks and mortgage servicers.
- Represented mortgage companies in nationwide class actions relating to the suspension or reduction in Home Equity Line Of Credit (HELOC) limits.
- Defended a mortgage servicer in a nationwide class action asserting that failure to provide adverse action notices when denying loan modification requests violates the Equal Credit Opportunity Act (ECOA).
- Representation of a title insurer in multiple state class actions alleging antitrust and RESPA violations in connection with title insurance practices.
- Defending of several mortgage servicers against allegations of unfair and deceptive loan modification practices.
- Represented mortgage lenders and servicers in nationwide class actions asserting disclosure violations under the Truth In Lending Act (TILA).
- Representation of mortgage originators in connection with claims of negligent and discriminatory lending practices.
- Representation of a mortgage insurance company in a subprime RMBS investor litigation.
- Representation of a mortgage servicer in a class action regarding the assessment of prepayment penalties.
- Representation of mortgage servicers in connection with claims under RESPA and Regulation X dealing with qualified written requests (QWR), requests for information (RFI), and notices of error (NOE).
- Defended a mortgage lender in a nationwide class action involving disputes over yield-spread premiums (YSP) under RESPA and allegations that charging a document preparation fee constitutes the unauthorized practice of law.

## AWARDS

- *Legal 500 United States*: Dispute Resolution: Financial Services Litigation (2026)

## TOP AREAS OF FOCUS

- Class Action

- Consumer Financial Protection Bureau (CFPB)
- Financial Services Litigation
- Litigation + Trial

## ALL AREAS OF FOCUS

- Accessible Facilities and Services (ADA Titles II and III)
- Beer, Wine + Spirits
- Cannabis
- Class Action
- Consumer Financial Protection Bureau (CFPB)
- Consumer Financial Services
- Financial Services Litigation
- Labor + Employment
- Litigation + Trial
- Mortgage Lending + Servicing
- Telephone Consumer Protection Act (TCPA)

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Past chair, Consumer Credit Committee, Chicago Bar Association
- Board of governors, Conference on Consumer Finance Law (CCFL)
- Chicago NORML, Banking Policy Subcommittee
- Board of Trustees, Anshe Emet Synagogue
- Chair, Board of directors, JCFS Chicago
- Jewish United Fund/Jewish Federation of Metropolitan Chicago
- Lawyers Division
- Member, Health and Human Services Commission

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- State University of New York at Buffalo Law School, J.D., *cum laude, Order of the Barristers*, 2001
- The Ohio State University, B.A., 1998

### BAR ADMISSIONS

- Illinois

### COURT ADMISSIONS

- U.S. District Court, Eastern District of Wisconsin
- U.S. District Court, Central District of Illinois
- U.S. District Court, Southern District of Indiana

- U.S. District Court, Northern District of Illinois, Trial Bar
- U.S. District Court, Western District of Michigan
- U.S. Court of Appeals, Seventh Circuit
- U.S. District Court, Northern District of Illinois
- U.S. District Court, Northern District of Indiana

## SPEAKING ENGAGEMENTS

- Speaker, "Class Actions in the Mortgage Industry," Mortgage Bankers Association Legal Issues and Regulatory Compliance Conference, May 4, 2026.
- Speaker, "Consumer Finance Litigation Update," 2026 CCBCA Winter Conference, February 26, 2026.
- Speaker, "Bankruptcy in Flux – Navigating New Rules, Technology & Emerging Challenges," Mortgage Bankers Association Servicing Solutions Conference & Expo, Febuary 17, 2026.
- Speaker, Mortgage Bankers Association: Legal Issues & Regulatory Compliance Conference, May 14-17, 2025.
- Speaker, "Litigation Forum Track: Key State Cases and Trends and Bankruptcy," Mortgage Bankers Association Compliance and Risk Management Conference, September 22-24, 2024.
- Panelist, "Litigation Forum," Mortgage Bankers Association: Legal Issues & Regulatory Compliance Conference, May 5-8, 2024.
- Speaker, "Fair Debt Collection Practices Act Basics and Update," Illinois State Bar Association, March 20, 2024.
- Panelist, "Litigation Forum: RESPA/TILA and Key State Cases and Trends," Mortgage Bankers Association: Compliance & Risk Management Conference, September 10-12, 2023.
- Panelist, "Litigation Forum," Mortgage Bankers Association: Legal Issues & Regulatory Compliance Conference, May 7-10, 2023.
- Speaker, "Growing Use of ADR in Cannabis Disputes," The Chicago Bar Association Alternative Dispute Resolution Committee, April 7, 2022.
- Speaker, "Enforcement of Lost Notes by Assignee," The Conference on Consumer Finance Law Quarterly Report, Vol. 75, Nos. 1-2, December 2021.
- Speaker, "New Challenges of Loss Mitigation and Enforcement: Enforcement of Lost Notes by Assignee," The Conference on Consumer Finance Law: Mortgage Symposium, December 15, 2021.
- Panelist, "Litigation Forum: RESPA," Mortgage Bankers Association's Regulatory Compliance Conference, September 12-14, 2021.
- Speaker, "Litigation Forum: Key State Law Trends," Mortgage Bankers Association: Legal Issues & Regulatory Compliance Conference, May 26, 2021.

## PUBLICATIONS

- Podcast, "Class Action Surge: What a 25% Spike in Federal Filings Means for Consumer Finance," *Troutman Pepper Locke*, July 2, 2026.
- Podcast, "Year in Review and Look Ahead Announcement," *The Consumer Finance Podcast*, March 2, 2026.
- Author, "Enforcement of Lost Notes by Assignee," *The Conference on Consumer Finance Law Quarterly Report*, Vol. 75, Nos. 1-2, December 2021.
- Co-author, "TransUnion v. Ramirez: Supreme Court Further Separates Concrete Harm Inquiry from Statutory Violations," Locke Lord QuickStudy, June 28, 2021.
- Co-author, "Website Accessibility: Recent Attempts to Clarify Accessibility Obligations," Locke Lord QuickStudy, April 12, 2021.
- Co-author, "Supreme Court Adopts Narrow Definition of TCPA Automatic Telephone Dialing System," Locke

Lord QuickStudy, April 1, 2021.

## MEDIA COMMENTARY

- Quoted, "New York Federal Courts a Battleground Amid Deepening Rift on Website Accessibility Suits," *New York Law Journal*, June 16, 2021.