

## Thomas G. Yoxall

Partner

Dallas

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Through a client-focused approach and strategic advice tailored to each situation, Tom helps financial services clients solve their most difficult legal problems when facing high-stakes litigation and government investigations.

### OVERVIEW

Tom represents clients in complex financial services litigation, class action lawsuits, and general commercial litigation. He has a wealth of experience in handling federal and state governmental and regulatory investigations, as well as internal whistleblower investigations. Tom frequently defends clients in significant nationwide and state class actions, particularly those involving financial services practices, mortgage servicing issues, and consumer protection laws, such as RESPA, FDCPA, TILA, and SCRA.

Tom's clients include national mortgage servicers, banks, automobile dealers, and health care organizations. He represents these clients in complex cases involving commercial disputes, consumer class actions, trade secrets, fraud, and constitutional law.

Tom chairs the firm's Financial Services Department and is a member of the firm's Executive Committee.

### REPRESENTATIVE MATTERS

#### Financial Services Litigation

- Representing a national mortgage servicer in a False Claims Act case alleging that the servicer falsely certified its compliance with various federal and state laws to induce Fannie Mae to execute a servicer participation agreement and amended servicer participation agreement so that they could participate in the Home Affordable Modification Program (HAMP).
- Represented a national mortgage servicer in a putative class action alleging violation of the Servicemembers Civil Relief Act (SCRA) based on how the defendants allegedly conducted foreclosure proceedings under Louisiana law. The federal district court dismissed the claims.
- Represented multiple mortgage servicing companies in cases throughout the U.S. in cases alleging improper mortgage servicing practices in class actions, mass actions, and investigations.
- Represented a nationwide mortgage servicer in defense of claims against a hedge fund related to securitized trusts.
- Represented a national mortgage company in purported class action claims involving the Real Estate

Settlement Procedures Act and the unauthorized practice of law. The U.S. Court of Appeals for the Fifth Circuit reversed the certification orders.

- Represented a national mortgage company in purported class action claims involving mortgage and pool insurance. The district court granted the mortgage company's motion to dismiss, and the U.S. Court of Appeals for the Fifth Circuit affirmed.

## **Constitutional Law**

- Representing an intervenor association in support of the state of Texas in a constitutional challenge to automobile dealer franchise laws.
- Represented intervenor associations in support of the state of Texas in a constitutional challenge to a state statute prohibiting insurance company ownership of body shops. After a seven-day trial, the trial court found that the statute did not violate the Commerce Clause, and the Fifth Circuit affirmed.
- Represented intervenor associations in support of the state of Texas in a constitutional challenge to the state Blue Law relating to vehicle sales. After a four-day trial, the trial court declared the Blue Law constitutional. The plaintiffs appealed but subsequently dismissed their appeal.

## **Class Actions**

- Represented multiple banks and mortgage servicers in nationwide challenges to banking and mortgage servicing practices.
- Represented a regional tollway authority in defending a multimillion-dollar putative class action relating to alleged improper and excessive administrative fees.
- Represented a nationwide retailer in a putative nationwide consumer rebate class action in St. Clair County, IL. The trial court denied class certification, and the plaintiff dismissed the case.
- Represented automobile dealers in a purported class action involving financing. After a week-long jury trial, the jury rendered a defense verdict. The trial court then certified the case as a class action, and the Texas Court of Appeals reversed the certification.

## **Reported Decisions**

- *Fodge v. Trustmark National Bank*, 945 F. 3d 880 (5th Cir. 2019), cert. denied, 2019 WL 6906111 (class action).
- *Sivertson v. Citibank, N.A. as Trustee for Registered Holders of WAMU Asset-Back Certificates WAMU Series Number 2007-HE2 Trust*, 390 F. Supp. 3d 769 (E.D. Tex 2019).
- *In re Trevino*, 599 B.R.526 (Bkrtcy. S.D. Tex 2019).
- *See Reyes v. North Texas Tollway Authority*, 861 F. 3d 558 (5th Cir. 2017) (class action).
- *Reyes v. North Texas Tollway Authority*, 186 F. Supp. 3d 621 (N.D. Tex 2016) (class action).
- *BCC Merchant Solutions, Inc. v. Jet Pay, LLC*, 129 F. Supp. 3d 440 (N.D. Tex 2015).
- *Sims v. Carrington Mortgage Services, LLC*, 440 S.W. 3d 10 (Tex. 2014).
- *Mendoza v. Microsoft, Inc.*, 1 F. Supp. 3d 533 (W.D. Tex 2014).
- *Ellington Credit Fund, Ltd. v. Select Portfolio Servicing, Inc.*, 837 F. Supp. 2d 162 (S.D.N.Y. 2011).
- *Allstate Ins. Co. v. Abbott*, 495 F. 3d 151 (5th Cir. 2007), cert. denied, 1285 WL 1334 (2008) (constitutional case).
- *Bradford v. WR Starkey Mortgage*, 2008 WL 4501957 (N.D. Ga. Feb. 22 2008) (dismissal of nationwide class action).
- *Collier v. Wells Fargo Home Mortgage*, \_\_ F. Supp. 2d \_\_, 2006 WL 1464170 (N.D. Tex. 2006) (dismissal of multi-plaintiff mortgage litigation).
- *Robinson v. Texas Automobile Dealers Ass'n*, 387 F. 3d 416 (5th Cir. 2004) (class action).

- *O’Sullivan v. Countrywide Home Loans, Inc.*, 319 F. 3d 732 (5th Cir. 2003), cert. denied., 544 U.S. 949 (2005) (class action).
- *Moore v. Radian Group, Inc.*, 233 F. Supp. 2d 819 (E.D. Tex. 2002), aff’d, No. 02-41462, (5th Cir., May 30, 2003) (class action).
- *Ford Motor Co. v. Texas Dep’t of Transp.*, 264 F. 3d 493 (5th Cir. 2001) (constitutional case).
- *Peltier Enterp., Inc. v. Hilton*, 51 S.W. 3d 616 (Tex. App. — Tyler 2000, pet. denied) (class action).
- *Innovad, Inc. v. Microsoft*, 99 F. Supp. 2d 767 (N.D. Tex. 2000), aff’d, 260 F. 3d 1326 (Fed. Cir. 2001) (patent infringement).

## AWARDS

- *Chambers USA*: Financial Services Regulation: Consumer Finance (Litigation), Nationwide (2025)
- Thomson Reuters Stand-out Lawyer (2025) – independently rated lawyers
- *D Magazine*, Best Lawyers in Dallas, Banking & Finance (2017-2024)
- *Super Lawyers®* Texas, Class Action & Mass Torts (2004-2020)
- *Best Lawyers in America®*: Commercial Litigation (2014-2026)
- *D Magazine*, Best Lawyers Under 40 (2004)

## TOP AREAS OF FOCUS

- Class Action
- Financial Services Litigation
- Health Care Litigation
- Litigation + Trial

## ALL AREAS OF FOCUS

- Artificial Intelligence
- Auto Finance
- Business Litigation
- Class Action
- Consumer Financial Protection Bureau (CFPB)
- Consumer Financial Services
- Enforcement Actions + Investigations
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Finance + Banking
- Financial Services
- Financial Services Litigation
- Health Care Litigation
- Litigation + Trial
- Mortgage Lending + Servicing

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Member, Texas Bar Foundation
- Member, American Bar Association (Litigation Section, Class Actions and Derivative Suits Committee)
- Member, State Bar of Texas
- Member, Dallas Bar Association
- Member, Mac Taylor Inn of Court
- Chairman of Board of Trustees, The Catholic Foundation of Dallas
- Director, Bishop Lynch High School
- Member, St. Thomas Aquinas Parish Finance Council

## **EDUCATION AND CERTIFICATIONS**

### **EDUCATION**

- Southern Methodist University Dedman School of Law, J.D., *senior editor, The International Lawyer*, 1992
- The University of Texas at Austin, B.A., *with honors*, 1988

### **BAR ADMISSIONS**

- Texas

### **COURT ADMISSIONS**

- U.S. District Court, Eastern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Western District of Texas
- U.S. Court of Appeals, Fifth Circuit
- Supreme Court of the United States
- U.S. District Court, Northern District of Texas

### **CLERKSHIPS**

- Hon. John McBryde, U.S. District Court, Northern District of Texas, 1992-1993

## **PUBLICATIONS**

- Podcast, "[Troutman Pepper Locke – The Powerhouse Merger](#)," *The Consumer Finance Podcast*, January 9, 2025.
- Author, "Texas Supreme Court Affirms a Lender's Equitable Subrogation Rights Following Expiration of the Statute of Limitations on the Lender's Lien," Locke Lord QuickStudy, January 29, 2021.
- Author, "Loss-Mitigation Communications to Mortgage Borrowers During COVID-19 Pandemic," Locke Lord QuickStudy, March 20, 2020.