

U.S. Supreme Court Docket, October 2018 Term — Banking and Finance Law Cases

Granted Petitions	Docket No.	Subject	Status, Deadlines	Questions Presented
Obduskey v. McCarthy & Holthus LLP Granted 6/28/2018	17-1307 (3/13/2018)	Fair Debt Collection Practices Act	Oral argument—Jan. 7, 2019 Response due by April 16, 2018 Motion to extend time to file response is granted, and response is due by May 16, 2018 Respondent’s brief filed May 16, 2018 Petitioner’s reply brief filed May 30, 2018 Distributed for Conference of June 27, 2018 Joint motion to extend time for filing opening briefs on merits, filed July 16, 2018 Joint motion to extend time for filing opening briefs on merits, granted July 23, 2018 Petitioner’s “Blanket Consent” filed Aug. 8, 2018 Respondents’ “Blanket Consent” filed Sept. 4, 2018 Petitioner’s brief filed Sept. 10, 2018 Appendix filed Sept. 10, 2018 <i>Amicus curiae</i> brief of NAACP Legal Defense & Education Fund, Inc., filed Sept. 17, 2018 <i>Amicus curiae</i> brief of members of Congress filed Sept. 17, 2018 <i>Amicus curiae</i> brief of National Consumer Law Center filed Sept. 17, 2018	Whether the Fair Debt Collection Practices Act applies to non-judicial mortgage foreclosure proceedings (Tenth Circuit opinion). Nonjudicial mortgage foreclosure not debt collection in Colorado, <i>Banking and Finance Law Daily</i> , Jan. 22, 2018 .

			<p>Respondent's brief filed Nov. 7, 2018</p> <p><i>Amicus curiae</i> brief of Michigan Creditor's Bar Association filed Nov. 7, 2018</p> <p><i>Amicus curiae</i> brief of Legal League 100 not accepted for filing Nov. 15, 2018 (duplicate)</p> <p><i>Amicus curiae</i> brief of United States Trustee's Association filed Nov. 14, 2018</p> <p><i>Amicus curiae</i> brief of Legal League 100 filed Nov. 14, 2018</p> <p><i>Amicus curiae</i> brief of The Commercial Law League of America filed Nov. 14, 2018</p> <p><i>Amicus curiae</i> brief of Mortgage Bankers Association <i>et al.</i> filed Nov. 14, 2018</p> <p><i>Amicus curiae</i> brief of Colorado Mortgage Lenders Association filed Nov. 14, 2018</p> <p><i>Amicus curiae</i> brief of USFN—America's Mortgage Banking Attorneys filed Nov. 14, 2018</p> <p><i>Amicus curiae</i> brief of United States filed Nov. 14, 2018</p> <p>Motion of United States for leave to participate in oral argument and for divided argument filed Nov. 14, 2018; motion granted Dec. 3, 2018</p> <p>Petitioner's reply filed Dec. 7, 2018</p>	
Pending Petitions	Docket No.	Subject	Status, Deadlines	Questions Presented
Maxwell & Morgan, P.C. v. McNair	18-729	Fair Debt Collection Practices Act	<p>Oral argument—no date set</p> <p>Response due by Jan. 7, 2019</p> <p>Motion to extend time to file response granted, and time extended to and including Feb. 6, 2019</p>	<p>Whether the Fair Debt Collection Practices Act applies to mortgage foreclosure proceedings that do not seek a payment from a consumer (Ninth Circuit opinion).</p> <p>Judicial foreclosure to collect unpaid HOA fees is debt collection (Banking and</p>

				Finance Law Daily , June 26, 2018.
SFR Investments Pool 1, LLC v. Federal Home Loan Mortgage Corporation	18-670 (11/21/2018)	FHFA consent under “Federal Foreclosure Bar”	<p>Oral argument—no date set</p> <p>Response due by Dec. 21, 2018</p> <p>Motion to extend the time to file a response is granted and the time is extended to and including Jan. 22, 2019</p> <p>Brief amici curiae of Las Vegas Development Group, LLC, et al. filed, Dec. 28, 2018</p>	<p>Whether the “Federal Foreclosure Bar,” requiring the consent of the Federal Housing Finance Agency as conservator for Fannie Mae and Freddie Mac, applies to foreclosures for which the FHFA holds a securitized mortgage only as a trustee for security holders; and whether a foreclosure sale that violates the Federal Foreclosure Bar is void in its entirety or only prevents the extinguishment of Fannie Mae and Freddie Mac liens.</p> <p>Because the FHFA did not consent to pertinent Nevada mortgage foreclosures and the Federal Foreclosure Bar preempted a Nevada foreclosure statute, certain foreclosure sales by Nevada homeowners associations did not extinguish the property interests of Fannie Mae and Freddie Mac; consequently, a purchaser of the properties did not obtain applicable trust deeds “free and clear,” and the FHFA did not deprive the purchaser of its due-process rights (Ninth Circuit opinion).</p>
Rotkiske v. Klemm	18-328 (9/11/2018)	Fair Debt Collection Practices Act	<p>Oral argument—no date set</p> <p>Response due by Oct. 15, 2018</p> <p>Distributed for conference of Oct. 16, 2018</p> <p>Response requested Nov. 5, 2018, due by Dec. 5, 2018</p>	<p>Whether the Fair Debt Collection Practices Act statute of limitations includes a discovery rule (Third Circuit opinion).</p> <p>Debt collection protection act has no time limit discover rule (Banking and Finance</p>

			Motion to extend time to file response granted, and time extended to and including Jan. 4, 2019 Brief of respondents Paul Klemm, et al. in opposition filed Jan. 4, 2019	Law Daily , May 16, 2018).
State National Bank of Big Spring v. Mnuchin	18-307 (9/6/2018)	Constitutionality of CFPB's structure under Dodd-Frank Act	Oral argument—no date set Response due by Oct. 10, 2018 <i>Amicus curiae</i> brief of The Buckley Institute for Public Policy Solutions filed Oct. 9, 2018 <i>Amici curiae</i> brief of Southeastern Legal Foundation et al. filed Oct. 9, 2018 <i>Amicus curiae</i> brief of Landmark Legal Foundation filed Oct. 10, 2018 <i>Amicus curiae</i> brief of Pacific Legal Foundation filed Oct. 10, 2018 Motion to extend time to file response is granted, and response is due by Nov. 9, 2018 Motion to extend time to file response is granted, and response is due by Dec. 10, 2018 Brief of respondent United States filed Dec. 10, 2018 Reply of petitioners State National Bank of Big Spring, et al. filed Distributed for conference of Jan. 11, 2019	Whether the Consumer Financial Protection Bureau's single-director structure and funding method under the Dodd-Frank Act violate the Constitution's separation of powers principles or the Appropriations Clause (District of Columbia Circuit opinion). CFPB constitutionality ruling affects other suits challenging Bureau (Banking and Finance Law Daily , Feb. 20, 2018).
Greer v. Green Tree Servicing LLC	17-1351 (3/26/2018)	Fair Debt Collection Practices Act	Oral argument—no date set Response due by April 26, 2018 Motion to extend time to file response is granted in part, and response is due by May 29, 2018 Respondent's brief filed May 29, 2018 Petitioner's reply brief filed June 4, 2018 Distributed for Conference of June 27, 2018	Whether the Fair Debt Collection Practices Act applies to non-judicial mortgage foreclosure proceedings (unpublished Ninth Circuit opinion).

Denied Petitions	Docket No.	Subject	Status, Deadlines	Questions Presented
Hill v. Accounts Receivable Services, LLC	18-482 (8/23/2018)	Fair Debt Collection Practices Act	<p>Oral argument—no date set</p> <p>Response due by Nov. 15, 2018</p> <p>Respondent’s brief filed Nov. 14, 2018 Distributed for conference of Jan. 4, 2019</p> <p>Certiorari denied Jan. 7, 2019</p>	<p>Whether the Fair Debt Collection Practices Act ban on threats to take illegal action could be violated by an immaterial threat, and whether a debt collector’s court demand for interest violated state law and thus was an unfair practice under the FDCPA (Eighth Circuit opinion).</p> <p>No FDCPA violation where assignment documentation was inadequate (Banking and Finance Law Daily, April 20, 2018).</p>
Bank of America, N.A. v. Lusnak	18-212 (8/14/2018)	National Bank Act; California’s mortgage-escrow interest law	<p>Oral argument—no date set</p> <p>Response due by Sept. 17, 2018</p> <p>Petitioner’s “Blanket Consent” filed Aug. 21, 2018 Motion to extend time to file response is granted, and time extended to Oct. 17, 2018 (8/24/2018) <i>Amici curiae</i> brief of The Bar Policy Institute et al. filed Sept. 17, 2018 Respondent’s brief filed Oct. 17, 2018</p> <p>Certiorari denied Nov. 19, 2018</p>	<p>Whether the National Bank Act preempts California’s mortgage escrow interest law (Ninth Circuit opinion).</p> <p>National Bank Act does not preempt California’s mortgage escrow interest law, Banking and Finance Law Daily, March 5, 2018.</p>

