

U.S. Supreme Court Docket, October 2015 Term — Banking and Finance Law Cases

Granted Petitions	Docket No.	Subject	Status, Deadlines	Questions Presented
Shaw v. United States Granted 4/25/2016	15-5991 (9/4/2015)	Bank Fraud	Oral argument—no date set Brief of United States in opposition filed 3/8/2016 Petitioner’s reply brief filed 3/22/2016	Whether proving a scheme to defraud a financial institution requires proving a scheme to “cheat” that institution. Ninth Circuit decision .
Sheriff v. Gillie Granted 12/11/2015 Reversed 5/16/2016.	15-338 (9/15/15)	Fair Debt Collections Practices Act	Oral argument set for 3/29/2016 Amicus curiae brief of Ohio and seven other states filed 10/19/2015 Response filed 10/19/2015 Petitioners’ reply brief filed 10/29/2015 Respondents’ brief filed 2/24/2016 Amicus curiae brief of the United States filed 3/2/2016 Amicus curiae brief of NHS Consumer Law Center filed 3/2/2016 Amici curiae brief of National Consumer Law Center et al. filed 3/2/2016 Amicus curiae brief of AARP filed 3/2/2016 Amicus curiae brief of five consumer law professors filed 3/2/2016 Motion of Attorney General for leave to participate in oral argument and for divided argument filed 3/2/2016; motion granted 3/21/2016 Oral argument transcript	Whether special counsel are officers of the state who are exempt from the Fair Debt Collection Practices Act and, if not, whether their use of the Attorney General’s letterhead would be a misrepresentation. Sixth Circuit decision . Attorney general “special counsel” are subject to debt collection laws, Banking and Finance Law Daily, May 11, 2015 .

<p>Hawkins v. Community Bank of Raymore</p> <p>Granted 3/2/2015</p> <p>Affirmed by per curiam opinion, by an equally divided court, 3/22/2016</p>	<p>14-520 (11/3/14)</p>	<p>Equal Credit Opportunity</p>	<p>Oral argument set for 10/5/2015</p> <p>Response due by 12/5/2014 Deadline for response extended to 1/5/2015 Respondent brief filed 12/30/2014 Petitioner reply filed 1/6/2015 Distributed for conference of 2/20/2015 Distributed for conference of 2/27/2015 Solicitor General's motion to participate in argument as <i>amicus curiae</i> and for divided argument granted 8/28/2015</p> <p>Oral argument transcript</p>	<p>Whether spousal guarantors are unambiguously excluded from being Equal Credit Opportunity Act applicants because they are not integrally part of "any aspect of a credit transaction." Eighth Circuit decision.</p> <p>Spousal guarantors are not credit applicants under the ECOA, Banking and Finance Law Daily, Aug. 5, 2014.</p>
<p>Spokeo Inc. v. Robins</p> <p>Granted 4/27/2015</p> <p>Reversed 5/16/2016.</p>	<p>13-1339 (5/1/14)</p>	<p>Fair Credit Reporting Act</p>	<p>Oral argument set for 11/2/2015</p> <p>Response due by 7/7/2014 Amicus curiae brief of Pacific Legal Foundation filed 6/2/2014 Amicus curiae brief of Trans Union LLC filed 6/5/2014 Amicus curiae brief of Chamber of Commerce of the United States of America filed 6/6/2014 Deadline for response brief extended to 8/6/2014 Response filed 8/6/2014 Reply filed 8/19/2014 Distributed for conference of 9/29/2014 Solicitor General invited to file brief 10/6/2014; brief filed 3/13/2015 Distributed for conference of 4/17/2015 Supplemental brief of petitioner filed 4/1/2015 Distributed for conference of 4/24/2015 Amicus curiae brief of the United States filed 9/8/2015</p>	<p>Whether a consumer who suffered no actual harm from a credit reporting agency's violation of the Fair Credit Reporting Act would have standing to sue based only on the violation of his statutory rights. Ninth Circuit decision.</p> <p>Consumer had standing to sue under credit reporting act without claiming actual harm, Banking and Finance Law Daily, Feb. 6, 2014</p>

			Solicitor General's motion for leave to participate in argument as <i>amicus curiae</i> and for divided argument granted 10/5/2015 Oral argument transcript	
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Pending Petitions	Docket No.	Subject	Status, Deadlines	Questions Presented
First American Financial Corp. v. Edwards	15-1114 (3/3/2016)	Real Estate Settlement Procedures Act	Oral argument—no date set Response due by 4/6/2016 Motion to dismiss petition for certiorari filed 3/29/2016	Whether the Real Estate Settlement Procedures Act ban on kickbacks is violated whenever a settlement service provider agrees to exchange a referral for some compensation without a determination that the compensation exceeded its value, and whether a consumer has standing to sue in the absence of “concrete harm” from the violation. Ninth Circuit opinion . Kickback claims can be suitable for class action status, Banking and Finance Law Daily, Aug. 25, 2015 .
Wells Fargo & Co. v. City of Miami	15-1112 (3/4/2016)	Fair Housing Act	Oral argument—no date set Response due by 4/4/2016.	Whether a city suing a mortgage lender under the Fair Housing Act must plead more than an injury-in-fact to establish standing. Eleventh Circuit opinion . Miami wins battle in predatory mortgage suit against nationwide banks, Banking and Finance Law Daily, Sept. 2, 2015 .
Bank of America Corp. v. City of Miami	15-1111 (3/4/2016)	Fair Housing Act	Oral argument—no date set Response due by 4/4/2016.	Whether a city suing a mortgage lender under the Fair Housing Act must show that it is within the “zone of interest” the act was intended to protect to establish standing. Eleventh Circuit opinion . Miami wins battle in predatory mortgage suit

Last updated: 05/16/2016

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				against nationwide banks, Banking and Finance Law Daily, Sept. 2, 2015 .
Sperrazza v. U.S.	15-966 (1/28/2016)	Structuring	Oral argument—no date set Response due by 2/29/2016. Time to file response extended to 3/30/2016. Time to file response extended to 4/29/2016.	Whether a charge of structuring requires the government to describe and prove a specific transaction that an individual altered in order to prevent the bank from filing a Currency Transaction Report. Eleventh Circuit opinion .
Midland Funding, LLC, v. Madden	15-610 (11/10/2015)	Preemption	Oral argument—no date set Response due by 12/10/2015 Respondent waives right to respond 12/3/2015 Distributed for conference of 1/8/2016 Amicus curiae brief of Clearing House Association filed 12/10/2015 Response requested 12/14/2015. Time to file response extended to 2/12/2016. Brief of respondent Saliha Madden filed 2/12/2016. Distributed for conference of 3/18/2016. Reply of petitioner Midland Funding filed 3/2/2016. Solicitor General invited to file brief 3/21/2016	Whether the National Bank Act’s preemption of state law interest rates continued after a credit card account was charged off and transferred to a debt collector for collection. Second Circuit opinion . Debt collector can’t claim national bank’s interest rate preemption protection, Banking and Finance Law Daily, May 26, 2015 .
Lightfoot v. Cendant Mortgage Corp.	14-1055 (2/17/15)	Federal court jurisdiction	Oral argument – no date set Response due by 4/2/2015 Waiver of right to respond by Fannie Mae 3/30/2015 Distributed for conference of 5/1/2015 Amicus brief of The American Association for Justice filed 5/22/2015 Brief in opposition of Fannie Mae filed 6/22/2015 Distributed for conference of 9/28/2015	Whether federal courts have original jurisdiction over all suits to which Fannie Mae is a party. Ninth Circuit decision . Fannie Mae’s charter provides access to federal courts, Banking and Finance Law Daily, Oct. 3, 2014 .

			Petitioner's reply filed 7/8/2015 Solicitor General invited to file brief 10/5/2015	
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Denied Petitions	Docket No.	Subject	Status, Deadlines	Questions Presented
RBS Securities Inc. v. FDIC	15-783	Preemption	Denied 3/28/2016	<p>Whether the Texas securities fraud law statute of repose was preempted by the Financial Institutions Reform, Recovery, and Enforcement Act statute of limitations. Fifth Circuit Opinion.</p> <p>FIRREA trumps state statute of repose in MBS suit by FDIC, Banking and Finance Law Daily, Aug. 11, 2015.</p>
Law Office of Joseph Onwuteaka, P.C. v. Serna	15-511 (10/14/2015)	Fair Debt Collection Practices Act	Denied 2/29/2016	<p>Whether the statute of limitations on a Fair Debt Collection Practices Act suit begins to run when a suit that violates the act is filed or when the consumer is served with the summons in the suit. Fifth Circuit opinion.</p> <p>Debt collection suit time limit started when consumer was served with improper suit, not when suit was filed, Banking and Finance Law Daily, Oct. 9, 2013.</p>
Buekes v. GMAC Mortgage, LLC	15-368 (9/21/15)	Right to rescind mortgage loan transaction	Denied 11/16/2015	<p>Whether a notice of rescission delivered before foreclosure proceedings begin is effective to invoke the tighter post-foreclosure error tolerance. Eighth Circuit opinion.</p> <p>Tighter finance charge tolerance applies only after foreclosure begins, Banking and Finance</p>

				Law Daily, May 14, 2015.
Udren Law Offices, P.C. v. Kaymark	15-216 (8/14/15)	Fair Debt Collection Practices Act	Denied 1/11/2016	<p>Whether the Fair Debt Collection Practices Act applies to a mortgage foreclosure complaint filed by an attorney under state court rules of procedure. Third Circuit opinion.</p> <p>Complaint's estimate of future fees could violate debt collection law, Banking and Finance Law Daily, April 8, 2015.</p>
Zwicker & Assoc. v. Wise	15-111 (7/22/15)	Fair Debt Collection Practices Act	Denied 1/11/2016	<p>Whether applying the Fair Debt Collection Practices Act to a complaint filed by an attorney violates the First Amendment, and whether the act applies to communications with the court. Sixth Circuit decision.</p> <p>Court asked to consider debt collection act application to complaints, Banking and Finance Law Daily, July 27, 2015.</p>
Wells Fargo Bank, N.A. v. Gutierrez	14-1230 (4/10/15)	Standing to Sue	Denied 4/4/2016	<p>Whether a class could be certified that includes members who were not injured and could not have sued successfully as individuals. Ninth Circuit decision.</p> <p>Wells Fargo again loses challenge to \$203 million restitution order, Banking and Finance Law Daily, Oct. 30, 2014.</p>
Quicken Loans Inc. v. Brown	14-1191 (3/25/15)	Consumer Credit	Denied 10/5/2015	Whether, in applying the punitive-to-compensatory-damages ratio, the West Virginia state court properly included

				<p>attorney's fees and costs as part of the compensatory damages component.</p> <p>Whether the West Virginia state court evaded its obligation to address federal constitutional claims raised by the mortgage lender and improperly awarded excessive punitive damages to the borrower in violation of substantive due process protections afforded by the Fourteenth Amendment.</p>
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