

U.S. Supreme Court Docket, October 2016 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—10/4/2016 Brief of United States in opposition filed 3/8/2016 Petitioner’s reply brief filed 3/22/2016 Motion to proceed in forma pauperis granted 4/25/2016 Time to file joint appendix and petitioner’s brief on the merits extended to 6/27/2016 Time to file respondent’s brief on the merits extended to 8/15/2016 Petitioner’s brief filed 6/26/2017 Brief amicus curiae of National Association of Criminal Defense Lawyers filed 7/5/2016 Set for argument on Tuesday, Oct. 4, 2016, 7/163/2016 Brief of respondent United States filed 8/16/2016 Reply of petitioner Lawrence Eugene Shaw filed 9/14/2016 Oral argument transcript	Whether proving a scheme to defraud a financial institution requires proving a scheme to “cheat” that institution. Ninth Circuit decision .
Expressions Hair Design v. Schneiderman Granted 9/29/2016	15-1391 (5/12/2016)	New York credit card “no surcharge” law	Oral argument—no date set Response due by 8/1/2016 Amicus brief of Marion B. Brechner First Amendment Project filed 6/7/2016 Amicus briefs of Albertsons LLC, Consumer Action et al., Cato Institute, First Amendment Scholars, and Scholars of	Whether New York’s credit card “no surcharge” law unconstitutionally restricts free speech under the First Amendment to the U.S. Constitution. Second Circuit opinion . Decision upholding constitutionality of New York’s credit card ‘no surcharge’ law clarified,

			Behavioral Economics filed 6/15/2016 Brief of respondent Eric T. Schneiderman, Attorney General of New York in opposition filed 8/1/2016 Distributed for conference of 9/26/ 2016 Reply of petitioners Expressions Hair Design, et al. filed 8/17/2016	Banking and Finance Law Daily, Dec. 15, 2015.
Wells Fargo & Co. v. City of Miami Granted 6/28/2016	15-1112 (3/4/2016)	Fair Housing Act	Oral argument—11/8/2016 Amici brief by ABA filed 4/4/2016 Amicus brief by U.S. Chamber of Commerce filed 4/4/2016 Response by City of Miami filed 5/20/2016 Reply by Petitioner Wells Fargo filed 5/31/2016 Distributed for conference 5/31/2016 Distributed for conference 6/20/2016 Distributed for conference 6/27/2016 Briefs amici curiae of The Chamber of Commerce of the United States of America, et al., American Bankers Association, et al., The Cato Institute, and DRI-Voice of the Defense Bar filed, 8/29/2016 Set for argument on Tuesday, Nov. 8, 2016, 9/2/2016	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 Granted 6/28/2016	15-1111 (3/4/2016)	Fair Housing Act	Oral argument—11/8/2016 Amici brief by ABA filed 4/4/2016 Amicus brief by U.S. Chamber of Commerce filed 4/4/2016 Response by City of Miami filed 5/20/2016 Reply by Petitioner Bank of America filed 5/31/2016 Distributed for conference 5/31/2016 Distributed for conference 6/20/2016 Distributed for conference 6/27/2016 Briefs amici curiae of The Chamber of Commerce of the United States of America, et al., American Bankers Association, et al., The Cato Institute, and DRI-Voice of the Defense Bar filed, 8/29/2016	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 against nationwide banks, Banking and Finance Law Daily, Sept. 2, 2015.

			Set for argument on Tuesday, Nov. 8, 2016, 9/2/2016	
Visa Inc. v. Stoumbos Granted 6/28/2016	15-962 (1/27/2016)	Conspiracy to restrain trade	Oral argument—no date set Response due 2/29/2016 Respondent’s brief in opposition filed 3/30/2016 Petitioner’s reply filed 4/11/2016 Consolidated with No. 15-961 Brief of petitioners Visa Inc., et al. filed. 9/1/2016 Briefs amici curiae of Chamber of Commerce of the United States of America, et al., American Society of Association Executives, et al., Antitrust Law Professors, and Financial Industry Associations filed. 9/8/2016	Whether allegations that members of a business association agreed to follow the association’s rules and had governance rights described a conspiracy that could have been in restraint of trade. District of Columbia Circuit opinion.
Visa Inc. v. Osborn Granted 6/28/2016	15-961 (1/27/2016)	Conspiracy to restrain trade	Oral argument—no date set Response due 3/30/2016 Amici brief by American Society of Association Executives filed 2/29-2016 Amici brief by Antitrust Law Professors filed 2/29/2016 Respondents’ brief in opposition filed 3/30/2016 Petitioner’s reply filed 4/11/2016 Consolidated with No. 15-962 Brief of petitioners Visa Inc., et al. filed. 9/1/2016 Briefs amici curiae of Chamber of Commerce of the United States of America, et al., American Society of Association Executives, et al., Antitrust Law Professors, and Financial Industry Associations filed. 9/8/2016	Whether allegations that members of a business association agreed to follow the association’s rules and had governance rights described a conspiracy that could have been in restraint of trade. District of Columbia Circuit opinion.
Lightfoot v. Cendant Mortgage Corp.	14-1055 (2/17/15)	Federal court jurisdiction	Oral argument – 11/8/2016 Response due by 4/2/2015 Waiver of right to respond by Fannie Mae 3/30/2015	Whether federal courts have original jurisdiction over all suits to which Fannie Mae is a party. Ninth Circuit decision.

			<p>Distributed for conference of 9/28/2015 Petitioner's reply filed 7/8/2015 Solicitor General invited to file brief 10/5/2015 Amicus brief of U.S. filed 5/23/2016 Fannie Mae's supplemental brief filed 6/7/2016 Distributed for conference of 6/27/2015 Brief of petitioners Crystal Monique Lightfoot, et al. 8/16/2016 Briefs amicus curiae of United States, The American Red Cross, and The American Association for Justice filed 8/23/2016 Brief of respondent Fannie Mae filed 9/19/2016</p>	
Granted 6/28/2016			<p>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</p>	<p>Fannie Mae's charter provides access to federal courts, Banking and Finance Law Daily, Oct. 3, 2014.</p>

Pending Petitions	Docket No.	Subject	Status, Deadlines	Questions Presented
First Resolution Investment Corp. v. Taylor-Jarvis	16-362 (9/14/2016)	Fair Debt Collection Practices Act	Oral argument—no date set Response due 10/21/2016	Whether the First Amendment and the <i>Noerr-Pennington</i> doctrine prevent liability from being imposed for filing a collection suit that is factually accurate but subsequently dismissed due to a change in the law that determines which statute of limitations applies, and whether the FDCPA applies to attorney communications with a court. Ohio Supreme Court opinion . Debt buyer, law firm subject to federal, state liability for collection action, <i>Banking and Finance Law Daily</i> , June 17, 2016 .
Henson v. Santander Consumer USA, Inc.	16-349 (9/16/2016)	Fair Debt Collection Practices Act	Oral argument—no date set Response due 10/17/2016 Time to file response extended to 11/16/2016	Whether a company that buys defaulted debts for collection purposes and collects the debts in its own name is a debt collector. Fourth Circuit opinion . Bad-debt buyers are not debt collectors, <i>Banking and Finance Law Daily</i> , March 24, 2016 .
Midland Funding, LLC v. Johnson	16-348 (9/14/2016)	Fair Debt Collection Practices Act	Oral argument—no date set Response due 10/17/2016 Respondent's brief filed 9/19/2016 Petitioner reply filed 9/21/2016 Distributed for conference of 10/7/2016	Whether the Bankruptcy Code prevents a consumer from claiming that a debt collector violates the Fair Debt Collection Practices Act by filing a proof of claim on a time-barred debt, and whether such a filing violated the FDCPA. Eleventh Circuit opinion . Bankruptcy Code doesn't block collection

				practices suit over stale debt, <i>Banking and Finance Law Daily</i> , May 25, 2016 .
Owens v. LVNV Funding, LLC ; Robinson v. eCast Settlement Corp. ; Birtchman v. LVNV Funding, LLC	16-315 (8/26/2015)	Fair Debt Collection Practices Act	Oral argument—no date set Response due 10/12/2016 Respondents' brief filed 9/20/2016 Respondents' supplemental brief filed 9/21/2016 Distributed for conference of 10/7/2016	Whether filing a bankruptcy court proof of claim on a debt known to be time-barred amounts to a misrepresentation that violates the Fair Debt Collection Practices Act. Seventh Circuit opinion . Filing a time-barred claim in bankruptcy not an FDCPA violation, <i>Banking and Finance Law Daily</i> , Aug. 11, 2016 .
Billings v. Propel Financial Services, L.L.C.	16-20 (6/29/2016)	Truth in Lending Act	Oral argument—no date set Response due 8/1/2016 Response requested 7/29/2016 Time to file response to petition extended to 9/28/2016 Distributed for conference of 9/26/2016 Time to file response extended to 9/28/2016	Whether loans made to pay delinquent property taxes on consumers' homes, under an authorizing Texas statute, constituted extensions of credit under the Truth in Lending Act. Fifth Circuit opinion . Financing property tax payments doesn't create a debt under TILA, <i>Banking and Finance Law Daily</i> , May 2, 2016 .
MERSCORP Holdings, Inc. v. Malloy	15-1538 (6/22/2016)	Connecticut mortgage recording fees; Interstate Commerce Clause	Oral argument—no date set Response due 7/25/2016 Time to file response to petition extended to 9/23/2016 Brief amici curiae of Consumer Mortgage Coalition, et al. filed 7/25/2016 Respondents' brief filed 9/23/2016	Whether Connecticut's statutory system for recording fees in which a nominee operating a national electronic database to monitor residential mortgage loans is required to pay fees approximately three times higher than other conventional mortgagees violates the dormant Commerce Clause of the U.S. Constitution. Connecticut Supreme Court opinion . Decision upholding constitutionality of Connecticut laws governing recording fees

				for a nominee operating a national electronic database to track mortgage loans, Banking and Finance Law Daily, Feb. 19, 2016 .
Bondi v. Dana's Railroad Supply	15-1482 (6/6/2016)	Florida credit card "no surcharge" law	<p>Oral argument—no date set</p> <p>Response due by 7/8/2016</p> <p>Time to file response to petition extended to 8/8/2016</p> <p>Time to file response to petition extended to 8/15/2016</p> <p>Brief of respondents Dana's Railroad Supply, et al. in opposition filed 8/15/2016</p> <p>Reply of petitioner Pam Bondi, Attorney General of Florida filed 8/29/2016</p> <p>Distributed for Conference of 9/26/ 2016</p>	<p>Whether Florida's credit card "no surcharge" law unconstitutionally restricts free speech under the First Amendment to the U.S. Constitution. Eleventh Circuit opinion.</p> <p>Decision striking down Florida's credit card 'no surcharge' law as unconstitutional, Banking and Finance Law Daily, Nov. 5, 2015.</p>
Rowell v. Pettijohn	15-1455 (5/31/2016)	Texas credit card "no surcharge" law	<p>Oral argument—no date set</p> <p>Response due by 7/5/2016</p> <p>Respondent's brief in opposition filed 7/5/2016</p> <p>Distributed for Conference of 9/26/ 2016</p> <p>Reply of petitioners Lynn Rowell, dba Beaumont Greenery, et al. filed 7/25/2016</p>	<p>Whether Texas' credit card "no surcharge" law unconstitutionally restricts free speech under the First Amendment to the U.S. Constitution. Fifth Circuit opinion.</p> <p>Decision upholding constitutionality of Texas' credit card 'no surcharge' law, Banking and Finance Law Daily, March 17, 2016.</p>

Denied Petitions	Docket No.	Subject	Status, Deadlines	Questions Presented
------------------	------------	---------	-------------------	---------------------