

**U.S. Supreme Court Docket Oct. 2014 Term—Banking and Finance Cases**

Docket No.	Date filed	Granted Petitions	Subject	Status	Questions Presented
14-520	11/3/2014	<a href="#">Hawkins v. Community Bank of Raymore</a> Cert. granted 3/2/2015	Equal Credit Opportunity	Oral argument – no date set  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	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.” <a href="#">Eighth Circuit decision</a> .  Spousal guarantors are not credit applicants under the ECOA, <a href="#">Banking and Finance Law Daily, Aug. 5, 2014</a> .
13-1526	6/18/2014	<a href="#">Peterson v. Bank of America, N.A.</a> Cert. granted and judgment vacated in light of <i>Jesinoski v. Countrywide Home Loans</i> , 1/20/2015	Truth in Lending	Oral argument – no date set  Response due by 7/23/2014 Response filed 7/23/2014 Distributed for conference of 9/29/2014 Distributed for conference of 1/16/2015 Vacated 1/20/2015	Whether a borrower was required to file suit in order to exercise the Truth in Lending Act right to rescind a mortgage loan transaction. <a href="#">Eighth Circuit decision</a> .  Expiration of time limit on mortgage rescission did not bar claim for rescission refusal damages, <a href="#">Banking and Finance Law Daily, March 24, 2014</a>
13-1339	5/1/2014	<a href="#">Spokeo Inc. v. Robins</a> Cert. granted, 4/27/2015.	Fair Credit Reporting Act	Oral argument – no date set  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; <a href="#">brief</a> 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	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. <a href="#">Ninth Circuit decision</a> .  Consumer had standing to sue under credit reporting act without claiming actual harm, <a href="#">Banking and Finance Law Daily, Feb. 6, 2014</a>
13-705	12/9/2013	<a href="#">Keiran v. Home Capital, Inc.</a> Cert. granted and judgment vacated in light of <i>Jesinoski v. Countrywide Home Loans</i> , 1/20/2015	Truth in Lending	Oral argument – no date set  Respondent brief filed 3/14/2014 Distributed for conference of 4/18/2014 Distributed for conference of 4/25/2014 Distributed for conference of 9/29/2014 Vacated 1/20/2015	Whether a borrower was required to file suit in order to exercise the Truth in Lending Act right to rescind a mortgage loan transaction. <a href="#">Eighth Circuit decision</a> .  Right to rescind mortgage loan must be exercised by filing suit, not just giving notice, <a href="#">Banking and Finance Law Daily, July 12, 2013</a> .
13-684	12/6/2013	<a href="#">Jesinoski v. Countrywide Home Loans, Inc.</a> Cert. granted 4/28/2014  <a href="#">Reversed</a> 1/13/2015	Truth in Lending	Oral argument – 11/4/2014  Respondent brief filed 3/14/2014 Petitioner reply filed 4/2/2014 Distributed for conference of 4/18/2014 Distributed for conference of 4/25/2014 Deadline for respondents’ merits brief extended to 9/16/2014 <a href="#">Amicus brief of United States</a> filed 7/22/2014 <a href="#">Amicus brief of coalition of states</a> filed 7/22/2014 <a href="#">Amicus brief of AARP</a> , National Consumer Law Center, American Civil Liberties Union, National Association of Consumer Advocates, and Center for Responsible Lending filed 7/22/2014 <a href="#">Amicus brief of American Bankers Association</a> , American Financial Services Association, Consumer Bankers Association, Consumer Mortgage Coalition, Independent Community Bankers of America, and Mortgage Bankers Association filed 9/17/2014  Solicitor General’s motion to participate in arguments and for divided argument granted 10/14/2014 <a href="#">Reversed</a> 1/13/2015	Whether a borrower was required to file suit in order to exercise the Truth in Lending Act right to rescind a mortgage loan transaction. <a href="#">Eighth Circuit decision</a> .
Docket No.	Date filed	Pending Petitions	Subject	Status	Questions Presented
14-1230	4/10/2015	<a href="#">Wells Fargo Bank, N.A. v. Gutierrez</a>	Standing to Sue	Oral argument – no date set  Response due by 5/14/2015	Whether a class could be certified that includes members who were not injured and could not have sued successfully as individuals. <a href="#">Ninth Circuit decision</a> . Wells Fargo again loses challenge to \$203 million restitution order, <a href="#">Banking and Finance Law Daily, Oct. 30, 2014</a> .
14-1191	3/25/2015	<a href="#">Quicken Loans, Inc. v. Brown</a>	Punitive Damages	Oral argument – no date set  Response due by 4/21/2015	Whether the West Virginia Supreme Court should have included the borrower’s attorney’s fees and costs, totaling \$596,200, in the punitive-to-compensatory damages ratio when deciding that a punitive damages award of \$2.17 million was not excessive.
14-894	1/23/2015	<a href="#">CashCall, Inc., v. Morrissey</a>	Preemption	Oral argument—no date set  Response due by 2/25/2015	Whether the Federal Deposit Insurance Act interest rate exportation provisions preempt the application of state consumer protection laws to a consumer lender that acquired the predominant economic interest in the loans. <a href="#">West Virginia Supreme Court of Appeals decision</a> . State’s high court rejects finance company’s challenges to AG’s \$13.8 million recovery for company’s “rent-a-bank” scheme, <a href="#">Banking and Finance Law Daily, June 13, 2014</a> .
14-845	1/12/2015	<a href="#">First American Title Insurance Co. v. FDIC</a>	Receiverships	Oral argument—no date set  Response due by 2/17/2015 Right to respond waived 2/9/2015 Distributed for conference of 2/27/2015 Response from FDIC requested by 3/20/2015	Whether prudential standing principles could bar a defendant being sued by the Federal Deposit Insurance Corporation, as a failed bank’s receiver, from asserting that the FDIC had assigned its claim and therefore had no right to sue. <a href="#">Sixth Circuit decision</a> .  Title insurer seeks review of FDIC standing to sue, <a href="#">Banking and Finance Law Daily, Jan. 20, 2015</a> .
Docket No.	Date filed	Denied or Dismissed Petitions	Subject	Status	Questions Presented
14-865	10/27/2014	<a href="#">Rundgren v. Washington Mutual Bank, F.A.</a>	Receiverships	Cert denied 3/23/2015	Whether the requirement to exhaust administrative remedies for claims against receiverships can legally and constitutionally be applied to claims being used to defend against a foreclosure, and whether it matters whether the foreclosure is judicial or nonjudicial. <a href="#">Ninth Circuit decision</a> . Even rock stars have to follow FIRREA rules, <a href="#">Banking and Finance Law Daily, July 30, 2014</a> .
14-858	1/15/2015	<a href="#">LVNV Funding, LLC v. Crawford</a>	Fair Debt Collection Practices Act	Cert. denied 4/20/2015	Whether filing a bankruptcy proof of claim is debt collection activity, and what is the proper standard for evaluating the effect of a communication to a consumer’s attorney. <a href="#">Eleventh Circuit decision</a> . Bankruptcy claim to collect stale debt violates FDCPA, <a href="#">Banking and Finance Law Daily, July 22, 2014</a> .
14-716	12/16/2014	<a href="#">Nicaj v. Shoe Carnival, Inc.</a>	Fair Credit Reporting Act	Cert. denied 2/23/2015	Whether a merchant’s inclusion of excessive information on a credit card receipt was a willful violation of the law, and whether a decision could be made that the inclusion would not be a willful violation without first deciding whether it was, in fact, a violation. Willful card receipt violation discussed, class action settlement terms ripped, <a href="#">Banking and Finance Law Daily, Sept. 22, 2014</a> .
14-508	10/30/2014	<a href="#">Pereira v. Regions Bank</a>	Preemption	Cert. denied 12/1/2014	Whether host state laws that are preempted from enforcement against national banks are preempted from enforcement against out-of-state banks. <a href="#">Eleventh Circuit decision</a> . The application of the host state law to out-of-state, state-chartered banks is preempted by the Federal Deposit Insurance Act, <a href="#">Banking and Finance Law Daily, June 2, 2014</a> .
14-501	8/27/2014	<a href="#">Vantium Capital, Inc., v. Gretsich</a>	Preemption	Cert. denied 12/15/2014	Whether an attempt to predicate a violation of Minnesota mortgage loan servicer laws on violations of a servicer’s HAMP duties was preempted. <a href="#">Minnesota Supreme Court decision</a> .
14-485	10/27/2014	<a href="#">Hillside Metro Associates, LLC v. JPMorgan Chase Bank</a>	Receiverships	Cert. denied 2/23/2015	Whether an owner of property where a failed bank planned a branch has standing to sue the acquirer of the bank’s assets for rent under a “privity of estate” theory regardless of the FDIC’s rejection of the lease under the purchase and assumption agreement. <a href="#">Second Circuit decision</a> . Landlord could not enforce FDIC’s purchase and assumption agreement against bank that rejected unfinished branch, <a href="#">Banking and Finance Law Daily, Feb. 4, 2014</a> .
14-441	10/13/2014	<a href="#">Hammer v. Sam’s East, Inc.</a>	Fair Credit Reporting	Cert. denied 1/26/2015	Whether including on a credit card receipt a membership number that incorporated more than five digits of the credit card number violated the Fair Credit Reporting Act. <a href="#">Eighth Circuit decision</a> . Interpreting law as allowing printing of membership number that duplicated credit card number not unreasonable, <a href="#">Banking and Finance Law Daily, June 5, 2014</a> .
14-370	9/29/2014	<a href="#">Med-1 Solutions v. Suesz</a>	Fair Debt Collection Practices Act	Cert. denied 12/8/2014	Whether the term “judicial district” should be determined under state law or federal common law. <a href="#">Seventh Circuit decision</a> . A debt collector must base its choice of venue on the smallest geographical area that is used to determine venue in the relevant court system, <a href="#">Banking and Finance Law Daily, July 7, 2014</a> .
14-356	9/24/2014	<a href="#">Phelan Hallinan &amp; Schmeig, LLP v. McLaughlin</a>	Fair Debt Collection Practices Act	Cert. denied 11/10/2014	Whether a consumer must follow the debt validation procedures set forth in the FDCPA before filing suit against a debt collector. <a href="#">Third Circuit decision</a> . Whether an FDCPA validation notice in a letter to the consumer constitutes “debt collection activity” under the FDCPA, <a href="#">Banking and Finance Law Daily, June 27, 2014</a> .
14-200	8/18/2014	<a href="#">NACS v. Board of Governors of the Federal Reserve System</a>	Electronic Fund Transfers	Cert. denied 1/20/2015	Whether the Federal Reserve Board’s limit on debit card interchange fees permits card issuers to recover costs in addition to those specified by the Dodd-Frank Act. <a href="#">D.C. Circuit decision</a> . Fed’s debit card swipe fee, network exclusivity regulation upheld, <a href="#">Banking and Finance Law Daily, March 21, 2014</a> .
13-852	1/14/2014	<a href="#">Fannie Mae v. Sundquist</a>	Preemption	Cert denied 11/10/2014	<b>Whether a Texas-based national bank could exercise fiduciary powers under a trust deed to foreclose on Utah property that secured a mortgage when Utah law denied the bank the authority to act as a trustee.</b> <a href="#">Utah Sup. Ct. decision</a> . State laws on authority to foreclose not preempted by National Bank Act, <a href="#">Banking and Finance Law Daily, July 24, 2013</a> .
14-1191	3/25/2015	<a href="#">Quicken Loans Inc. v. Brown</a>	Consumer Credit		Whether, in applying the punitive-to-compensatory-damages ratio, the West Virginia state court properly included attorney’s fees and costs as part of the compensatory damages component. 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.