

# Consumer Litigation

Bailey Glasser brings decades of experience across several of its offices and a results-oriented approach to its wide-ranging and successful consumer litigation practice.

The firm's lawyers litigate individual and class cases involving debt collection, consumer finance, TCPA violations, illegal repossessions and foreclosures, predatory mortgage loans, illegal loan servicing, defective products, employee wage-payment and overtime rights, mismanaged ERISA funds, and a host of other consumer and employment matters.

Bailey Glasser's consumer practice was initiated with the landmark settlement of *Cummins v. H&R Block*. In a case litigated for five years in venues ranging from the West Virginia trial and appellate courts, to federal district courts in West Virginia and Illinois, to the US Supreme Court, our lawyers served as lead counsel in winning a \$62.5 million multistate class action settlement against H&R Block. The case involved first-impression claims relating to the application of West Virginia's credit-services organization statute to Block's refund anticipation loan product. Other firms across the country litigated cases against Block alleging similar claims, without success, for more than ten years. West Virginia's share of the settlement was \$32.5 million.

Bailey Glasser attorneys work as a team, led by nationally recognized consumer lawyers across the country. The firm's cross disciplinary approach integrates excellent lawyering, subject matter knowledge, creativity, and cutting-edge technology to solve consumers' problems.

We successfully litigate cases under the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, and other federal consumer statutes. We have deep experience resolving matters under the West Virginia Consumer Credit and Protection Act and many other state consumer protection statutes.

## Experience

- Represented a consumer class resulting in \$9 million cash settlement, plus millions of dollars in debt relief, interest rate reductions and credit repair provided as part of the settlement. *Dunlap v. Wells Fargo* (Circuit Court of Lincoln County, West Virginia)
- Represented a class of borrowers challenging repossession notices in *Williams v. American Honda*, a case that involved appeals to the US Court of Appeals for the First Circuit and the Massachusetts Supreme Judicial Court; resulted in a reported decision confirming that lenders must give borrowers accurate information about their potential deficiency liability

- Represented a class of purchasers of a generic vitamin supplement who alleged the supplement's label falsely claimed it was effective in slowing the progression of age-related macular degeneration, resulting in nationwide settlement
- Represented a mortgage loan borrower challenging estimated attorneys' fees tacked onto their debt in *Prescott v. Seterus*, a case that involved appeals to the US Court of Appeals for the Eleventh Circuit; resulted in a reported decision strengthening the protections of the Fair Debt Collection Act and its Florida equivalent that lenders cannot charge or collect estimated fees; the precedent set resulted in class action settlements for borrowers charged estimated fees in *Bacardi v. Select Portfolio Servicing, Inc.*, *Paneque v. Bank of America*, and *Shore v. JP Morgan Chase*

### News & Insights

Bailey Glasser Lawyers Named to 2021 Best Lawyers  
08.20.2020

Bailey Glasser Opening California Office Led By Arthur Bryant and Todd Walburg  
02.12.2020

Bailey Glasser Announces Promotions for 2020  
02.04.2020

Judge Approves \$3 Million Settlement in Uber Class Action Lawsuit  
01.31.2020

Class-Action Lawsuit Filed Against Equifax Over Security Breach  
09.26.2017

Judge Makes MultiMillion-Dollar Class Award in Quicken Loan Case  
07.21.2017

Landmark Settlement Affirmed in Taurus Class Pistol Case  
07.07.2017

Federal Judge Certifies Class In Venture Data Telemarketing Case  
06.08.2017

Flood Victims Granted Class Action Status In Lawsuit Against International Paper Co.  
03.28.2017

Judge Denies Motion to Reconsider in Quicken Loan Class Action Case  
08.26.2016

News Article Notes Impact of Taurus Settlement - Taurus Pistol Safety Defects  
12.18.2015

Lawsuit Filed Against Taurus International In Shooting Death of 11-year-old  
11.03.2015

### **How Can We Help?**

General Case and Matter Inquiries