



## CLASS ACTION

The Class Action Practice Group at Burke, Warren, MacKay & Serritella, P.C. has defended hundreds of class action lawsuits locally and nationwide.

We recognize the complexities of class action lawsuits, beyond the potential financial exposure. We understand the strain on business operations, the burden of electronic discovery, and the reputational concerns that class actions inflict. We capitalize on the unique opportunities to defend these matters. This includes immediately identifying defects in the named plaintiffs' claims and class theories that could bring the case to an early conclusion, successfully litigating the case to a point where the plaintiffs will abandon the class allegations and pursuing all avenues to defeat class certification. When in the best interests of the client, we negotiate settlements that aim to minimize cost while eliminating risk and maximizing relief. This allows the client to get back to what's important – growing its business. Whether your company has been a historical target for class action lawsuits or has been hit with one for the first time, our class action practice group has the depth and diversity of experience, as well as a sensitivity to client needs, to counsel and guide you through all of the pitfalls of these cases.

We can also help you before you face a bet the company class action by proactively counseling you regarding a variety of issues including employment, banking, consumer, privacy, advertising and marketing practices.

The firm's class action clients represent a variety of industries, and include consumer lenders, banks, mortgage finance companies, real estate brokerage firms, landlords, automobile dealers, manufacturers, retail businesses, and religious organizations. Our experience covers a variety of substantive areas of law, including the following:

- **Advertising and Labeling**
  - False and deceptive advertising

### PROFESSIONALS

Rachel E. Bossard  
Chase E. Bullock  
Joshua J. Cauhorn  
Victoria R. Collado  
Danielle J. Gould  
Morgan M. Hess  
Andrew D. LeMar  
Susan Miller Overbey  
Elizabeth M. Pall  
Shana A. Shifrin



- Breach of warranty
- Breach of contract
- **Consumer Banking**
  - Electronic Funds Transfer Act (EFTA)
  - Truth in Savings Act (TISA)
  - Bank Holding Company Act (BHCA)
- **Consumer Fraud and Unfair Business Practices**
  - Illinois Consumer Fraud and Deceptive Business Practices Act (ICFA)
  - California Unfair Competition Law (UCL)
  - Similar statutes of other states
- **Consumer Lending**
  - Truth in Lending Act/Truth in Leasing Act (TILA)
  - Real Estate Settlement Procedures Act (RESPA)
  - Fair Credit Reporting Act (FCRA)
  - Fair Debt Collection Practices Act (FDCPA)
  - Racketeer Influenced and Corrupt Organizations Act (RICO)
  - Bankruptcy Code
  - Consumer lending and credit practices
  - Consumer loan servicing practices
  - Appraisal fraud
- **Labor and Employment**
  - Fair Labor Standards Act (FLSA)
  - Illinois Wage Payment and Collection Act (IWPCA)
  - Illinois Minimum Wage Law (IMWL)
  - Chicago Minimum Wage Ordinance (CMWO)
  - Pension benefits
  - Discrimination
- **Landlord/Tenant**
  - Chicago's Residential Landlord Tenant Ordinance (RLTO)
  - Security deposit disputes
  - Allocation of utilities disputes
- **Privacy**



- Illinois Biometric Information Privacy Act (BIPA)
- Data breach
- Fair and Accurate Credit Transactions Act (FACTA)
- Cable Communications Policy Act (CCPA)
- **Telephone Consumer Protection Act (TCPA)**
  - Sales and marketing calls
  - Text message campaigns
  - Blast faxes

For more information, please contact one of our practice group leaders: **Victoria Collado** or **Danielle Gould**.

## Experience

The Burke Warren Class Action Practice Group has defended hundreds of class action lawsuits locally and nationwide. The firm's class action clients represent a variety of industries, and include consumer lenders, banks, mortgage finance companies, real estate brokerage firms, landlords, automobile dealers, manufacturers, retail businesses, and religious organizations.

Our experience covers a variety of substantive areas of law, including the following: Advertising and Labeling; Consumer Banking; Consumer Fraud and Unfair Business Practices; Consumer Lending; Labor and Employment; Landlord/Tenant; Privacy and Illinois Biometric Information Privacy Act (BIPA); and Telephone Consumer Protection Act (TCPA).

- Represented lender/servicing defendants in three separate purported class action counterclaims challenging property preservation activities on properties in foreclosure, obtaining dismissal of class claims with prejudice
- Represented mortgage company in class action challenging payment crediting practices and achieved favorable settlement
- Represented national bank in consolidated, multi-district litigation class actions challenging suspensions of home equity lines of credit based on significant declines in property value and achieved favorable settlement after successful partial dismissal of claims
- Represented lender/servicing defendants in several class actions challenging disclosures in payment option adjustable rate loan documents and defeated class certification in one class action and achieved favorable settlements in others
- Represented national bank in class action challenging suspensions of home equity lines of credit based on change in borrower's financial circumstances and achieved favorable settlement after successful partial dismissal of claims
- Represented national bank in purported class action challenging property preservation activities on properties in foreclosure and obtained dismissal of class claims with prejudice



- Represented federally chartered bank in purported class action alleging Fair Credit Reporting Act violations and obtained dismissal of complaint later affirmed on appeal
- Represented hospital in purported class action alleging violations of federal debt collection laws and obtained summary judgment prior to class certification determination
- Represented state-chartered lender in federal district court class action alleging Fair Credit Reporting Act violations and achieved favorable settlement after successful partial dismissal of claims
- Represented national bank in purported class action challenging loan document preparation fees and obtained dismissal of claims later affirmed on appeal
- Represented automobile finance companies in various class actions challenging security deposits, lease disclosures, and early termination charges
- *Abdel-Malak v. JPMorgan Chase Bank, N.A.*, 2011 WL 3843814 (D. Md. Aug. 29, 2011) (dismissing class action claims under Truth in Lending Act and Maryland state law against lender that purchased failed institution's loans from FDIC on basis that lender did not assume alleged liabilities under purchase and assumption agreement and dismissing claims relating to allegedly deceptive post-acquisition disclosures relating to Option ARM loan).
- *Lyons v. JPMorgan Chase Bank, N.A.*, 2011 WL 2709907 (N.D. Cal. July 12, 2011) (dismissing class action claims against lender for alleged failure to apply Option ARM loan payments correctly).
- *Tucker, et al. v. JPMorgan Chase Bank, et al.*, 2011 WL 280962 (D. Nev. Jan. 25, 2011) (dismissing class action claims against lender, servicers, and trustees for alleged failure to comply with HAMP loan modification guidelines).
- *Siwulec v. Chase Home Finance, LLC*, 2010 WL 5071353 (D.N.J. Dec. 7, 2010) (dismissing class action claims under Fair Debt Collection Practices Act against servicer where plaintiff failed to allege facts to show loan was in default when defendant began servicing loan).
- *Jones-Boyle v. Washington Mutual Bank, FA, et al.*, 2010 WL 2724287 (N.D. Cal. July 8, 2010) (dismissing class action claims for violations of Truth in Lending Act and state common law claims against lender that purchased failed institution's loans from FDIC on basis that lender did not assume alleged liabilities under purchase and assumption agreement and dismissing claims relating to alleged post-acquisition failure to apply Option ARM loan payments correctly).
- *Haynes v. EMC Mortg. Corp.*, 205 Cal. Appl. 4th 329 (Cal. App. 1st Dist. 2012) (affirming dismissal of class action complaint and holding assignment did not need to be recorded prior to nonjudicial foreclosure on deed of trust because California statute regarding recording did not apply to deeds of trust)
- *Cervantes v. Countrywide Home Loans, Inc.*, 656 F.3d 1034 (9th Cir. 2011) (affirming dismissal of class action complaint alleging fraud and conspiracy based on the use and creation of the MERS system)
- *Quezada v. Loan Center of California, et al.*, 2009 WL 5113506 (E.D. Cal. Dec. 18, 2009) (denying class certification of alleged common law and state consumer fraud claims brought against former loan assignee relating to option ARM loan disclosures)



- Clark v. Bumbo International Trust, 2017 WL 3704825 (N.D. Ill. Aug. 28, 2017) (denying class certification in false and deceptive advertising case).
- Wood v. Long and At World Properties, LLC, d/b/a @properties, Case No. 16-7419 (N.D. Ill., Apr. 13, 2017) (secured voluntary dismissal *with prejudice* of individual FLSA and Illinois statutory claims after deposition of putative class representative).
- Lewisman v. AT WORLD PROPERTIES d/b/a @properties, 13 CH 22070 (Cir. Ct. Cook County, Ill. Sept. 2, 2015) (granting motion to strike class allegations).
- Glazer v. Chase Home Finance LLC, et al., 2013 WL 7869273 (Ohio App. 8 Dist. Dec. 19, 2013) (affirming dismissal of class action complaint alleging claims for violation of the Ohio Consumer Sales Practices Act, conspiracy, and negligent and intentional misrepresentation).
- Glazer v. Chase Home Finance LLC, et al., 704 F.3d 453 (6th Cir. 2013) (affirming dismissal of class action complaint alleging FDCPA violations).
- Pittman v. Chase Home Finance LLC, 2012 WL 893418 (Ohio App. 8 Dist. Mar. 15, 2012) (affirming that limits on class counsel's use of class list did not interfere with attorney-client relationship or class counsel's right to free speech).
- Haynes v. EMC Mortg. Corp., 205 Cal. Appl. 4th 329 (Cal. App. 1st Dist. 2012) (affirming dismissal of class action complaint and holding assignment did not need to be recorded prior to nonjudicial foreclosure on deed of trust because California statute regarding recording did not apply to deeds of trust).
- Rodriguez v. Chase Home Finance LLC, 2011 WL 5076346 (N.D. Ill. Oct. 25, 2011) (dismissing class action complaint alleging violations of the Homeowners Protection Act)
- Siwulec v. Chase Home Finance, LLC, 2010 WL 5071353 (D.N.J. Dec. 7, 2010) (dismissing class action complaint alleging FDCPA violations)
- Gunter v. Chase Bank USA, N.A., 731 F.Supp.2d 1238 (S.D. Ala. Aug. 9, 2010) (granting summary judgment against plaintiffs on class claims alleging RESPA violations)
- Price v. Washington Mutual Bank, 2010 WL 1416706 (Bkrtcy. N.D. Ala. April 8, 2010) (dismissing class action complaint alleging defendants assessed unapproved, post-petition fees and charges to debtors' accounts).
- Rodriguez v. Bear Stearns Companies, Inc., 2009 WL 5184702 (D.Conn. Dec. 22, 2009) (granting summary judgment against plaintiffs in a nationwide, racial discrimination claim for "predatory servicing" under the Fair Housing Act, 42 U.S.C. § 3601, et seq.)
- Pittman v. Chase Home Finance, LLC, Case No. CV-05-571902 Common Pleas Court, County of Cuyahoga, Ohio (May 27, 2009) (denying class certification in case alleging violations of state lien release statute).
- Herrera v. JPMorgan Chase Bank, NA, consolidated with Ruhl v. HSBC Mortgage Services, Case No. 08-cv-371-LA (E.D. Wisc. Dec. 23, 2008) (affirming dismissal of class action adversary proceeding brought on behalf of Chapter 13 bankruptcy debtors).



- Trevino v. Merscorp, Inc., et al., 583 F.Supp.2d 521 (D. Del. Sept. 30, 2008) (granting motion to dismiss class action against shareholders of MERS®)
- Hyderi v. Washington Mutual Bank, FA, 235 F.R.D. 390 (N.D. Ill. Mar. 28, 2006) (denying class certification in case alleging RESPA violations).
- Cervantes v. Countrywide Home Loans, Inc., 656 F.3d 1034 (9th Cir. 2011) (affirming dismissal of putative class action complaint alleging fraud and conspiracy based on the use and creation of the MERS® system)
- Siwulec v. Chase Home Finance, LLC, 2010 WL 5071353 (D.N.J. Dec. 7, 2010) (dismissing class action complaint alleging FDCPA violations)
- Successfully represented Illinois-based national transportation company in Illinois Wage Payment and Collection Act (IWPCA) class action in the United District Court for the Northern District of Illinois, obtaining favorable settlement and broad release of claims.
- Successfully represented automobile dealer in putative class action involving claims under the Fair Credit Reporting Act (FCRA), Equal Credit Opportunity Act (ECOA), and Illinois Consumer Fraud and Deceptive Business Practices Act (Consumer Fraud Act), settling on individual basis.

## Insights

### NEWS

Burke Warren a Proud Sponsor of Chicago Volunteer Legal Service Vino + Gogh 2023 Event  
News, [June 27, 2023](#)

Burke Warren a Proud Supporter of The American Red Cross of Greater Chicago 2023 Heroes Breakfast  
News, [April 27, 2023](#)

Burke Warren Proud to Participate in the Chicago Bar Foundation's 2023 Investing in Justice Campaign  
News, [April 20, 2023](#)

Burke Warren a Proud Sponsor of the Chicago Hope Academy 2023 Story of Hope Luncheon  
News, [April 11, 2023](#)

Burke Warren a Proud Member Firm of the Chicago Lawyers' Committee for Civil Rights  
News, [April 4, 2023](#)

Burke Warren a Proud Supporter of the GI Research Foundation 2023 Annual Ball  
News, [February 20, 2023](#)

Burke Warren a Proud Sponsor of 2023 Better Business Bureau of Chicago Annual Dinner Meeting  
News, [February 8, 2023](#)

Burke Warren a Proud Sponsor of One Tail at a Time 2023 Houndstooth Ball  
News, [February 7, 2023](#)



Burke Warren a Proud Sponsor of Boys & Girls Clubs of Chicago 2023 Youth of the Year Competition & Dinner

News, [January 20, 2023](#)

Burke Warren Partner John Stephens Named Advisory Board Member of AbstoneLalley, Inc.

News, [January 16, 2023](#)

Burke Warren a Proud Supporter of Direct Effect Charities 2022 "Letters to Santa" Program

News, [December 15, 2022](#)

Burke Warren Elects Joshua Cauhorn as Director

News, [December 12, 2022](#)

Burke Warren Elects Jessica Cox as Shareholder

News, [December 12, 2022](#)

Burke Warren Elects Stephen Schuster as Shareholder

News, [December 12, 2022](#)

Season's Greetings and Best Wishes for a Happy New Year From Burke Warren!

News, [December 6, 2022](#)

Christine Eduardo and Mathew Musipa, Participants in Burke Warren's Fall 2022 3L Minority Internship Program, Accept Offers to Join the Firm

News, [December 5, 2022](#)

Burke Warren a Proud Sponsor of Catholic Charities of the Archdiocese of Chicago 2022 Spirit of Saint Nicholas Ball

News, [December 2, 2022](#)

Burke Warren a Proud Sponsor of Chicago Children's Museum 2022 Gala

News, [September 27, 2022](#)

Burke Warren 2022 3L Minority Internship Program Participant Mathew Musipa Quoted in U of I Blog Article Entitled, "Immigration Law Clinic students win two asylum cases"

News, [September 15, 2022](#)

Burke Warren a Proud Sponsor of After School Matters

News, [September 15, 2022](#)

Burke Warren Selects Christine Eduardo and Mathew Musipa to Participate in the Burke Warren 2022 3L Minority Internship Program

News, [August 29, 2022](#)

Burke Warren a Proud Sponsor of Chicago Volunteer Legal Services Vino + Van Gogh 2022 Event

News, [August 24, 2022](#)

Burke Warren a Proud Sponsor of 2022 @gives back Golf Classic

News, [August 19, 2022](#)



Burke Warren a Proud Sponsor of 17th Annual Savills Landlord Challenge Charity Golf Event  
News, [August 5, 2022](#)

Burke Warren Launch of New Firm Website Coincides with Firm's 30th Anniversary Milestone  
News, [July 28, 2022](#)

Burke Warren Welcomes New Attorney Chase E. Bullock  
News, [June 20, 2022](#)

Burke Warren Partner John Stephens Quoted in Crain's Chicago Article Entitled, "For Black lawyers, roadblocks to partnership persist"  
News, [June 10, 2022](#)

Burke Warren a Proud Supporter of the American Red Cross of Greater Chicago 2022 Heroes Breakfast  
News, [May 4, 2022](#)

Burke Warren Cited In Chicago Tribune Article Regarding a Pro Bono Case Recently Undertaken by the Firm  
News, [May 3, 2022](#)

Burke Warren a Proud Supporter of the GI Research Foundation 2022 Champions for a Cure Ball  
News, [April 29, 2022](#)

Burke Warren Serves as Pro Bono Counsel in Federal Lawsuit Charging Advocate Health and Hospitals Corporation with Racial Discrimination  
News, [April 21, 2022](#)

Burke Warren Welcomes Peter Ivancsits as Its Chief Financial Officer  
News, [April 18, 2022](#)

Burke Warren Proud to Participate in the Chicago Bar Foundation's 2022 Investing in Justice Campaign  
News, [April 6, 2022](#)

Burke Warren a Proud Member Firm of the Chicago Lawyers' Committee for Civil Rights  
News, [February 21, 2022](#)

Burke Warren a Proud Sponsor of Mercy Home for Boys & Girls of Chicago's 2022 Have Mercy! Gala  
News, [February 9, 2022](#)

Burke Warren a Proud Sponsor of 2022 Entrepreneur and Family Business Council Gala  
News, [January 25, 2022](#)

Burke Warren Secures Win for Client in Religious Liberty Appeals Case  
News, [January 13, 2022](#)

Burke Warren Elects Rachel Bossard as Shareholder  
News, [December 14, 2021](#)

Burke Warren Named to Vault's 2022 20 Best Midsize Law Firms to Work For in Chicago  
News, [December 2, 2021](#)





Burke Warren Proud to Partner with JPMorgan Chase and Cabrini Green Legal Aid on Key Chicago Area Pro Bono Projects  
News

ALERTS

Illinois Supreme Court Rejects Workers' Compensation Act Preemption of Biometric Information Privacy Act Claims  
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Illinois Appellate Court Ruling: Workers' Compensation Act Does Not Bar Employee BIPA Claims  
Alert, [September 22, 2020](#)

Supreme Court to address TCPA Question: What is an Autodialer?  
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U.S. Supreme Court Upholds Constitutionality of TCPA, But Strikes Down Government Debt Collection Exception  
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Biometric Data Privacy Laws: Traps for the Unwary  
Alert, [June 11, 2020](#)

Class Actions in a COVID-19 World: The Floodgates are Now Open  
Alert, [April 13, 2020](#)

Class Actions in a COVID-19 World  
Alert, [March 20, 2020](#)

Burke Warren Remains Fully Committed to Client Service Through Remote Working Capabilities  
Alert, [March 18, 2020](#)

U.S. Supreme Court Upholds Class-Action Waivers In Employment Arbitration Agreements  
Alert, [May 22, 2018](#)

Please Stop Contacting Me  
Dos and Don'ts regarding the Telephone Consumer Protection Act  
Alert, [November 8, 2017](#)

Mediation vs. Litigation - When to Turn Swords into Ploughshares or Vice Versa  
Alert, [April 5, 2010](#)