

Obduskey v. McCarthy & Holthus L.L.P.

On March 20, 2019, the Supreme Court's unanimous decision in *Obduskey v. McCarthy & Holthus L.L.P.* examined liability for violations of the Fair Debt Collection Practices Act (FDCPA) that are committed in non-judicial foreclosures.

This webpage provides resources to consumer attorneys litigating FDCPA cases arising from foreclosures. This webpage will be updated as more materials become available. Please email akuehnhoff@nclc.org with any submissions of relevant materials.

Articles Discussing Case Development

- Viable FDCPA Claims Arising from Foreclosures After March 20 Supreme Court Decision by NCLC attorneys Geoff Walsh and April Kuehnhoff, March 26, 2019

Sample Obduskey Briefing

- *Amodio v. Ocwen Loan Servicing LLC, et al.* (M.D. Tenn.)
 - Memorandum in Opposition to Summary Judgment
 - Memorandum and Order Denying Summary Judgment (5/7/2019)
- *Eastman v NPL Capital LLC*, No. 1:17-cv-03074 (D. Colo.)
 - Second Amended Complaint
 - Motion to Dismiss Complaint
 - Response to Motion to Dismiss Complaint
 - Order Denying Motion to Dismiss Complaint (4/15/2019)
- *Sevela v. Kozeny & McCubbin, L.C.*, Case No. 18-cv-390 (D. Neb.)
- *Smith v. Bank of New York Mellon*, No. 2:19-cv-00538 (W.D. Wash.)
 - Response to Motion to Dismiss

Additional Resources

- National Association of Consumer Advocates (NACA) webinar: The Scope of the FDCPA: Implications of the *Obduskey* Decision, June 26, 2019. Note: Non-members of NACA must be vetted prior to purchasing. Please e-mail rebecca@consumeradvocates.org
- *Obduskey v. McCarthy & Holthus L.L.P.*, Supreme Court Decision, March 20, 2019