

Erik W. Kemp

PARTNER

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Erik is a thoughtful and persuasive advocate who combines sharp litigation skills with clear, candid guidance to help clients assess risk and navigate complex legal challenges.

Erik represents clients in class actions, appeals and other complex litigation, with a focus on financial services matters. His practice emphasizes class action defense and appellate proceedings, where he brings strategic insight and strong written and oral advocacy.

Erik has defended class actions in state and federal courts across the country. He has substantial experience with class actions involving post-repossession notices of intent, late fee assessment, property inspections, loss mitigation procedures, and lender-placed insurance. He has also briefed and argued appeals on issues ranging from nonjudicial foreclosure and lender liability to bank operations, credit reporting, debt collection, arbitration, and class action settlement approval.

A seasoned litigator, Erik also has extensive experience defending single-plaintiff lawsuits in state and federal trial courts and arbitration. He has defended financial institutions in hundreds of cases brought under various consumer protection statutes, including the FCRA, FDCPA, TILA, and RESPA.

PRACTICES & INDUSTRIES

Banking & Financial Services
Business Litigation
Class Action

ADMISSIONS

California, 2006
U.S. Court of Appeals for the Third Circuit
U.S. Court of Appeals for the Fourth Circuit
U.S. Court of Appeals for the Ninth Circuit
U.S. Court of Appeals for the Eleventh Circuit
U.S. District Court for the Northern District of California
U.S. District Court for the Central District of California
U.S. District Court for the Eastern District of California
U.S. District Court for the Southern District of California

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EXPERIENCE

Defended mortgage servicers and national banks in a series of putative nationwide class actions challenging the purchase of lender-placed insurance.

Defended auto finance companies and banks in a series of cases challenging the assessment of taxes on lease-end fees.

Defended dozens of individual and class action cases against auto finance companies and banks challenging statutory notices sent to car buyers after vehicle repossessions.

Defended mortgage servicer in putative nationwide class action alleging inaccurate credit reporting after borrower entered into a temporary payment plan.

Defended auto finance companies in series of class actions alleging improper disclosure of registration and titling fees.

Defended mortgage servicers in putative nationwide class actions challenging the assessment of convenience fees for making telephonic or online payments.

Defended mortgage servicers in multiple class actions challenging the assessment of property inspection fees.

Defended financial institutions in series of putative class actions alleging phone calls were improperly recorded without customers' consent.

Defended mortgage servicer in nationwide class action alleging improprieties in reviewing borrowers' loss mitigation applications.

Defended national banks, mortgage servicers, and auto finance companies in putative class actions alleging improper allocation of payments and assessment of late fees.

Defended mortgage originators and servicers in a series of class actions challenging the origination, marketing, and servicing of "Option ARM Loans."

EDUCATION

University of California College of the Law, San Francisco (formerly UC Hastings), J.D., *magna cum laude*, 2006

- Order of the Coif

University of California, Berkeley, B.A., *with high distinction*, 2003

- Phi Beta Kappa