

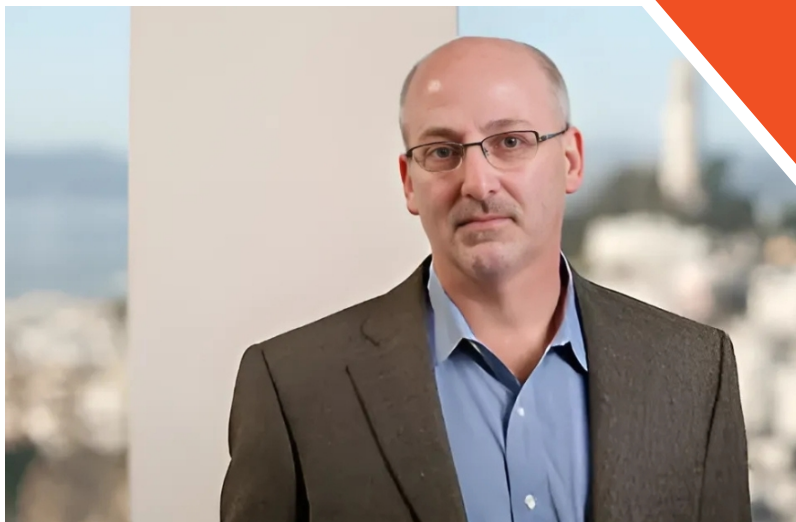
# Mark D. Lonergan

## PARTNER

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**Mark is a calm, seasoned trial lawyer and commercial litigator with deep experience defending consumer class actions, financial institution litigation and complex business disputes.**

He has defended hundreds of nationwide and statewide class actions brought under a wide range of federal and state consumer protection statutes including the Truth-In-Lending Act, the Fair Debt Collection Practices Act, the Fair Credit Reporting Act, the Telephone Consumer Protection Act, RESPA HOEPA, and the Electronic Funds Transfer Act, as well as California's Unfair Competition Law, False Advertising Law, Consumer Legal Remedies Act, and Unruh Act. Mark has also defended unfair or deceptive practices claims in more than 20 states, claims under federal and state vehicle leasing acts, and numerous state-specific consumer finance statutes, and has extensive first-chair trial experience in both individual matters and class actions.

Mark's practice spans a wide array of consumer finance issues, with particular focus on mortgage servicing, origination and foreclosure; auto financing and repossession; leasing; credit reporting; bankruptcy code violations; force-placed insurance; dealer reserve litigation; unauthorized call recording and privacy claims; overdraft fees; and subprime or "predatory" lending claims.

## PRACTICES & INDUSTRIES

Business Litigation  
Class Action  
Insurance

## ADMISSIONS

California

## EDUCATION

University of Virginia, J.D., 1989  
University of Virginia, B.A., 1984

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## Mark D. Lonergan

He also has significant experience defending commercial litigation matters, including a wide variety of lender liability claims arising out of commercial loans, loan portfolio sales, insurance coverage disputes and disputes between financial institutions and automotive dealership groups. He frequently handles breach of commercial loan agreement cases and other complex contractual disputes.

### EXPERIENCE

Obtained defense verdict in California state court class action challenging automotive finance company's payment of dealer reserve based on APR in finance contracts.

Led team that defended national bank in series of nationwide class action lawsuits under the Telephone Consumer Protection Act; successfully coordinated defense of 30 class action suits nationwide that were settled in a single case.

Successfully defended national mortgage servicer in Washington state class action alleging that its property preservation activities violated state law.

Successfully defended national auto finance company at trial of California state court class action alleging that its charges to consumers for force-placed insurance were illegal.

Defended two national banks in related class actions alleging predatory practices in making and servicing subprime mortgages; both settled, one in conjunction with the settlement of an FTC enforcement action.

Obtained defense award in private arbitration seeking to compel a national finance company to sell its insurance company affiliate pursuant to a contractual right of first refusal.

Obtained defense verdict following trial of Minnesota state court class action challenging auto finance company's assessment of charges for force-placed insurance.

Successfully defended mortgage servicer in California state court trial alleging defective servicing and inaccurate credit reporting in violation of California's Consumer Credit Reporting Agencies Act.

Obtained defense verdict in California state court trial attempting to hold a national bank liable for its employee's sale of fraudulent certificates of deposit.

Successfully defended national auto finance company in class action trial alleging its post-repossession notices failed to comply with California law and that it unlawfully collected the deficiency balances remaining after sale of the collateral.

Obtained defense verdict in case alleging national bank failed to pay on a certificate of deposit.

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Obtained defense verdict in case alleging accounts were fraudulently opened with national bank due to its customer's identity theft.

Obtained dismissal of multiple putative class actions alleging that creditors' reporting of accounts in bankruptcy violated the Fair Credit Reporting Act.

Successfully defended national bank in class action lawsuit part of multi-district litigation proceedings challenging its practices in assessing overdraft fees to checking account customers.

Obtained defense verdicts in multiple lawsuits seeking to hold auto finance companies liable for alleged fraud by dealerships in connection with auto sales.

Successfully defended series of class action and individual lawsuits alleging mortgage servicers' non-judicial foreclosures violated Hawaii law.

Represented auto finance companies in state regulatory enforcement actions in California, New York and Minnesota alleging various unfair practices in connection with vehicle sales and financing.

Obtained dismissals of national banks and finance companies in putative class actions filed in bankruptcy court based on their post-petition collection of secured debts.

Obtained defense award in private arbitration alleging that a captive auto finance company made misrepresentations in connection with the sale of loan portfolios to an international financial services conglomerate.

Led successful defense of national bank from claims that it failed to adequately protect customers from fraud in connection with person-to-person money transfer services.

### PROFESSIONAL & CIVIC ACTIVITIES

Association of Business Trial Lawyers, Member