

Mark I. Wraight

PARTNER

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Mark is an experienced trial attorney with a track record of representing large institutional clients and emerging technology-focused companies in the financial services industry.

Mark's practice focuses primarily on defending financial institutions in single-plaintiff lawsuits and consumer class actions. He has represented clients in a broad range of litigated matters. In particular, he concentrates on resolving disputes arising under Divisions 3, 4, and 4A of the Uniform Commercial Code, the Electronic Fund Transfer Act (Reg E), Expedited Funds Availability Act (Reg CC), Bank Secrecy Act, Fair Credit Reporting Act, Fair Debt Collection Practices Act (including California's Rosenthal FDCPA), Real Estate Settlement Procedures Act (Reg X), Truth in Lending Act (Reg Z), and unfair, deceptive or abusive acts or practices claims.

Mark approaches each case as a problem solver, recognizing that while some can be resolved through settlement or dispositive motions, others require going to trial. He has significant experience trying cases as lead counsel, and he has achieved numerous verdicts for his clients in front of juries, judges and private arbitrators.

PRACTICES & INDUSTRIES

Banking & Financial Services
Consumer Financial Services
FinTech, Payments & Financial Products

ADMISSIONS

California

EDUCATION

UCLA School of Law, J.D., 2003
Vassar College, B.A., 2000
London School of Economics, 1998

STINSON

STINSON LLP \ STINSON.COM

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EXPERIENCE

Represented national mortgage servicing company in a trial where plaintiff-borrower claimed the servicer improperly foreclosed on her property despite alleged promises to review her for a loan modification. After bench trial was complete, the Court entered judgment for the servicer on all causes of action.

Represented national bank in bench trial on claim for quiet title based on claim that defendant violated the "one action rule." Court entered judgment for the defendant.

Represented national bank in a private arbitration where claimant sought damages relating to alleged loss of valuable jewels and family heirlooms from safe deposit box. Arbitrator entered award in favor of the bank.

Represented national bank in a private arbitration filed by law firm-claimant over \$1 million in alleged unauthorized withdrawals from its trust account. After an evidentiary hearing, the arbitrator entered an award in favor of the bank. The award was affirmed on appeal to appellate arbitrator.

Represented national bank in a bench trial where plaintiff-borrower brought claims for promissory estoppel and misrepresentation claims arising from loan modification process. The court entered judgment in favor of defendant at the conclusion of a bench trial.

Represented national bank in private arbitration involving claims of unauthorized ACH debit transactions from consumer bank account. Arbitrator entered an award in favor of the bank and allowed recovery of fees and costs.

Represented national bank in private arbitration over claims relating to alleged unauthorized wire transfer. Arbitrator entered award in favor of bank, which was affirmed on appeal.

Represented national bank in bench trial in a case where plaintiff sought to invalidate deed of trust based on alleged violation of Subdivision Map Act. After bench trial, Court concluded that the deed of trust was valid and enforceable and entered judgment for defendant.

Represented national bank in multi-month jury trial involving plaintiff's claims that the bank was responsible for millions of dollars of diamonds, jewelry, and collectible bills/coins allegedly missing from her safe deposit box. After trial, the court granted non-suit, enforcing the terms of the safe deposit box lease agreement and the express limitation of liability contained therein.

Represented national mortgage servicing company in one of the first trials involving claims brought under the California Homeowner Bills of Rights. Plaintiff brought claims alleging improper "dual tracking," failure to appoint a single point of contact and breach of the implied covenant of good faith. Federal jury returned unanimous defense verdict on all claims.

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Represented national bank in a jury trial of plaintiff's claims of racial discrimination with respect to bank account opening procedures. Plaintiff sought \$5 million in damages. After a two-week trial, the jury quickly returned a complete defense verdict.

Represented national bank at trial in a case where plaintiff alleged the bank was liable for allowing unauthorized withdrawals from deposit account. After Court granted the Bank's motions in limine, the case settled for a nuisance value during jury voir dire.

Represented national bank in a jury trial where elderly plaintiff sought \$2 million for alleged fraudulent conduct relating to loan servicer's handling of his mortgage account, including creating an escrow account as part of the loan modification process. Jury rejected plaintiff's claim and returned a verdict for the bank.

Represented national bank in jury trial where plaintiffs sought to set aside a trustee's sale and recover millions of dollars in damages arising from alleged wrongful foreclosure. The jury returned a nearly unanimous verdict in favor of defendant on claims for fraud, negligent misrepresentation, unfair business practices, and quiet title.

Represented national bank in lengthy jury trial involving multiple plaintiffs' claims for UCC violations, fraud, breach of contract, and civil conspiracy arising from the handling of a jointly payable check. Plaintiffs sought compensatory and punitive damages. After a six-week trial, jury returned a complete defense verdict as to one plaintiff, and a defense verdict on five of six claims as to the second plaintiff.

Represented national mortgage servicing company in jury trial of claims for breach of contract, fraud and intentional infliction of emotional distress. Plaintiff alleged that defendant-servicing company furnished incorrect information to the credit reporting agencies, resulting in a foreclosure and loss of employment. Plaintiff sought \$5 million in damages. Jury returned a complete defense verdict.

Represented national bank in jury trial of claims that defendant-bank wrongfully allowed plaintiff's former employee to embezzle more than \$500,000 from the corporate bank account. Mid-way through cross-examination of plaintiff's Chief Executive Officer, Plaintiff settled for less than the pre-trial offer.

Represented national bank in jury trial on claims for gross negligence, wrongful dishonor under the Uniform Commercial Code and fraud relating to alleged unauthorized wire transfer. Plaintiff originally sought \$34 million in damages. Obtained a complete defense verdict in favor of defendant-bank.

Represented national bank in private arbitration on claims for negligence and breach of fiduciary duty arising from failed hotel investment. Claimants sought \$4.6 million in damages. Arbitrator entered complete defense award.

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Represented national bank in private arbitration where claimant alleged mishandling of credit card and auto loan. Arbitrator rejected all alleged claims and entered award for respondent bank.

Represented national bank in jury trial where elderly plaintiff brought claims for fraud, elder abuse and violations of California Business & Professions Code § 17200. Plaintiff sought \$7 million in damages and challenged the bank's right to foreclose on her property. Verdict entered in favor of defendant-bank.

Represented national bank in a bench trial in a case involving dispute between two banks over whether a check was counterfeit or altered. Judge entered verdict in favor of client and awarded costs.

PROFESSIONAL & CIVIC ACTIVITIES

San Francisco Bank Attorneys Association

California Bankers Association / Western Bankers Association

American Bankers Association