

Jennifer L. Gray

Of Counsel

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Jennifer is an experienced financial services litigation attorney. She represents banks, investors, originators, loan servicers and other institutions in federal and state court litigation involving financial services and residential real estate.

She regularly defends clients in consumer class actions, as well as individual actions asserting violations of state and federal consumer protection laws, including:

- Real Estate Settlement Procedures Act (RESPA)
- Truth in Lending Act (TILA)
- Fair Credit Reporting Act (FCRA)
- Fair Debt Collection Practices Act (FDCPA)
- Telephone Consumer Protection Act (TCPA)
- Unfair, Deceptive or Abusive Acts and Practices (UDAP)

Jennifer also advises clients on legal issues pertaining to lender licensing, loan origination and servicing practices, fair lending, consumer bankruptcy and default issues, secondary markets, and consumer and retail banking.

In addition to handling consumer finance litigation, Jennifer has represented clients in commercial disputes, including antitrust actions and investigations, business-to-business contract

Services

Litigation
Financial Services

Admissions

California
New Jersey
New York
U.S. District Court, Central District of California
U.S. District Court, Northern District of California
U.S. District Court, Southern Districts of California
U.S. District Court, District of New Jersey
U.S. District Court, Eastern District of New York
U.S. District Court, Southern Districts of New York
U.S. Court of Appeals for the 2nd Circuit
U.S. Court of Appeals for the 9th Circuit

disputes, and insurance coverage matters.

Jennifer's experience includes practicing at several national law firms and holding senior in-house litigation positions with financial institutions, including OneWest Bank N.A. and JPMorgan Chase.

During law school, Jennifer was a clerk for the Honorable Daniel H. Huyett, III, U.S. District Court for the Eastern District of Pennsylvania.

Education

J.D., Rutgers Law School, 1992

- *Rutgers Law Review*, Editor; Legal Research & Writing Instructor

B.A., Rutgers University-New Brunswick, Economics, 1988

Clerkships

U.S. District Court for the Eastern District of Pennsylvania, Honorable Daniel H. Huyett, III, Judicial Clerk

Professional Activities

American Bar Association, Member

- Business & Corporate Litigation Section
- Class and Derivative Actions Subcommittee, Vice-Chair

Cambridge Forums Steering Committee, Member

News

Foster Garvey Welcomes Jennifer Gray as Of Counsel in the Firm's Litigation Group
Foster Garvey Newsroom, 9.7.21

Experience

Representing Compu-Link Corporation in putative class action involving default practices.

Represented CIT Bank in class action alleging improper placement of wind and hurricane property insurance.

Represented several mortgage loan servicers in putative class action involving IRS reporting of negative amortization principal payments.

Defended bank against claims that it aided and abetted a fund manager who was operating a Ponzi scheme.

Obtained dismissal of aiding and abetting a fraudulent scheme and breach of fiduciary duty claims against JPMorgan Chase Bank, NA in connection with retail banking transactions.

Obtained dismissal of RICO and other federal and state law claims against bank based on alleged failure to monitor correspondent banking activity.

Obtained dismissal of UCL claims asserting that JPMorgan Chase violated its insufficient funds policy.

Represented mortgage loan servicer in putative class action asserting that deed of trust reconveyance was not timely recorded under state law.

Represented mortgage loan servicers in putative class action involving IRS reporting of negative amortization principal payments.

Represented loan servicer in putative class action asserting claims under Nev. Rev. Stat. 107.080(7) involving non-judicial foreclosure process.

Represented mortgage servicer in putative class action involving timing for posting of borrower's mortgage payments.

Obtained favorable result in putative class action asserting FCRA and California Consumer Credit Reporting Claims involving credit reporting of second liens.

Obtained favorable resolution in putative class action asserting that defendant violated FCRA by reporting mortgage loan deficiency balance.

Obtained dismissal of putative class claims asserting that default status notices violated FDCPA.

Obtained dismissal of putative class action asserting FCRA claims for alleged failure to properly report short sale transactions.

Represented OneWest Bank in several putative class actions asserting violations of California Penal Code §§ 632 & 632.7 (call recording privacy laws).

Represented NASDAQ broker-dealer in antitrust class actions alleging price fixing and manipulation conspiracy on the NASDAQ market, together with representations in related SEC, DOJ and state Attorneys' General investigations.

Obtained dismissal of Sherman Act claims against consulting company defendant in suit involving alleged conduct by major life insurance companies.

News & Insights

Presentations

Forum on Consumer Finance Litigation & Enforcement Sponsored by Cambridge Forums, 5.4.22

"Hot Topics in Mortgage Class Actions and High-Profile Litigation!" California MBA, Webinar, Panelist, 2.25.20

- "Hot Topics in Mortgage Class Actions and High-Profile Litigation," California Mortgage Bankers Association 2019 Legal Issues & Regulatory Compliance Conference, Co-Presenter, Newport Beach, CA, 12.3.19
- "TILA Update," Mortgage Bankers Association Legal Issues and Regulatory Compliance Conference, 5.20
- "Regulatory Implications for Fintech," Annual Consumer Financial Services Conference, 5.17
- "Mortgage Servicing Case Law Year in Review: Key Notable Case Decisions from the Last Year," ACI's Forum on Mortgage Servicing Compliance, 11.16
- "Supreme Court Roundup," ACI National Conference on Consumer Finance Class Actions & Litigation, 7.16
- "Major Cases," MBA Legal Issues and Regulatory Compliance Conference 2016, Mortgage Bankers Association, 5.16
- "The Telephone Consumer Protection Act (TCPA): Litigation and Settlement Trends, Emerging Defense Strategies, Class Action Certification Issues, and Staying Ahead of the Curve in the Face of Complex and Unclear Rules," American Conference Institute's 21st National Conference on Consumer Finance Class Actions & Litigation, 7.27-28.15
- "Litigator 'War Stories' – Preparing for and Avoiding CFPB Audits, Managing Litigation and Handling Appeals: Personal Accounts and Lessons Learned from Litigators on the Front Line," American Conference Institute's 4th Bank & Non-Bank Forum on Mortgage Servicing Compliance, 6.25-26.15
- "Enforcement Litigation Update," MBA Legal Issues and Regulatory Compliance Conference 2015, Mortgage Bankers Association, 5.3.15
- "Reexamining the Roles of In-House and Outside Counsel Before and During Trial," Corporate Counsel CLE Seminar, ABA Section of Litigation, Corporate Counsel Committee, Moderator, Doral, FL, 2.13.15
- "Effects of UDAAP Standards on Consumer Finance Litigation," ACC Financial Services Committee Monthly Teleconference, 12.17.14
- "Litigator 'War Stories' - Preparing for and Avoiding CFPB Audits, Managing Litigation and Handling Appeals: Personal Accounts and Lessons Learned from Litigators on the Front Line," ACI's 3rd Bank & Non-Bank Forum on Mortgage Servicing Compliance, Washington, D.C., 11.20-21.14

Publications

- "Nevada Supreme Court Departs from Ninth Circuit Ruling and Finds HOA Lien Statute Does Not Implicate Due Process," July 2017
- "Consumer Finance Class Action Trends for 2016," *New York Law Journal*, February 22, 2016