



## USFN Files Amicus Curiae Brief with United States Supreme Court in Support of Industry Position

*Four USFN Member Firms Contribute to Brief Filed this Week*

**[Dallas, TX | November 16, 2018]** Earlier this week USFN, a national trade association representing America's Mortgage Banking Attorneys, filed an Amicus Brief with the United States Supreme Court in *Obduskey v. McCarthy & Holthus, LLP* (No. 17-1307).

The brief was drafted by attorneys from four of the Association's members: McCalla Raymer Leibert Pierce, LLC; The Wolf Firm, A Law Corporation; Weinstein & Riley, P.S.; and Bendett & McHugh, P.C. Counsel of record for the brief was Richard P. Haber, Esq. of law firm McCalla Raymer.

The USFN brief argues in support of respondent McCarthy & Holthus, LLP, outlining the association's position that when completing the non-judicial foreclosure process in states where permitted, law firms acting on behalf of their mortgage servicer clients are not subject to regulation under the Fair Debt Collection Practices Act (FDCPA) because they are not collecting a debt, as defined under the plain language of the statute.

According to Adam Silver, Esq., a contributor to the Association's brief, "We explain in great detail how Colorado, as well as other states, have complex non-judicial foreclosure laws, the requirements of which are incompatible with the FDCPA." Silver added, "Adopting the Petitioner's logic that all foreclosures are tantamount to debt collection under the FDCPA would force foreclosure and bankruptcy practitioners into a Catch-22. They would have to decide whether to comply with state or federal law."

"This case has the potential to have a large impact on the industry as a whole and USFN member firms across the country. I am very happy that we were able to participate in the case by preparing the amicus brief", said USFN President Marty Stone, Esq.

"Amicus Curiae Briefs are a critical part of the legal process and as the industry's leading association, we often coordinate between our members to further the legal discourse on issues important to the industry," added USFN CEO Pamela Donahoo, CAE. She continued, "Filing this brief before the United States Supreme Court is a powerful example of the role USFN and our members play in the development of the law."

The respondent in the case, McCarthy & Holthus, LLP is a member of USFN. A copy of the brief

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is available to USFN members online at [USFN.org](http://USFN.org) and may be provided to media upon request. USFN will continue to closely monitor this case and provide updates on any developments.

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#### **About USFN**

*USFN is a national, non-profit trade association that has represented America's leading mortgage banking attorneys for over 30 years. With its robust educational offerings, publications and desk guides, along with stringent qualifications for membership, USFN remains the premiere, go-to organization for creditors rights' legal services providers serving the mortgage banking industry. Learn more about the organization at [USFN.org](http://USFN.org).*

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