



## Keith S. Anderson

### Partner

#### Main Bio

Keith Anderson has wide-ranging experience across multiple jurisdictions and concentrates his practice on representing financial institutions in the financial services industry, as well as representing employers in employment matters.

His financial services practice includes representing financial institutions, mortgage lenders and servicers, student loan lenders and servicers, auto-finance lenders in defensive litigation throughout the country. Keith has handled causes of action and advised on matters including TILA, RESPA, HOEPA, FDCPA, FCRA, predatory lending, wrongful foreclosure, Servicemembers Civil Relief Act (SCRA), mortgage-related fees and services, origination, pooling and servicing agreements, deceptive trade practices' claims, loan repurchase disputes, investor disputes, servicing matters, mortgage fraud, lender-placed insurance, Texas home equity loans, class actions, bankruptcy adversary proceedings, student lending compliance, and contentious foreclosure actions.

Keith has extensive experience related to the SCRA in both providing regulatory guidance to clients for compliance and in defending litigated cases.

In his employment practice, he has handled multiple litigated matters under the FLSA, ADA, ADEA, FMLA and claims of discrimination and retaliation, as well as counseling employers on compliance and effective employment policies.

Before joining Bradley, Keith graduated from the U.S. Air Force Academy with academic, military, and athletic distinction. He served as a Judge Advocate in the U.S. Air Force, where he handled dozens of court-martials and administrative boards as both a prosecuting and defense attorney.

#### Notable Matters

***United States v. Wells Fargo Dealer Services, CV No. 2:16-07336, C.D. Cal***  
Representation of Wells Fargo in Consent Order with the Department of Justice related to Servicemembers Civil Relief Act (SCRA) and auto repossessions.



#### Birmingham

P: 205.521.8714

F: 205.488.6714

kanderson@bradley.com

#### Practices

Litigation  
Labor & Employment  
Banking & Financial Services  
Financial Services Litigation  
Education Finance  
Small Dollar & Unsecured Consumer Lending  
Auto Finance  
State Attorneys General & Regulators  
Title Insurance Claims & Title Defect Curative  
Bankruptcy Compliance & Consumer Bankruptcy Litigation  
Fintech

#### Education

The Ohio State University, 2004, Honors & Order of the Coif; *Ohio State Law Journal*, Articles Editor, J.D.

U.S. Air Force Academy, 1998, *with distinction*, B.S.

#### Licensed In

Minnesota  
Georgia  
Texas  
Alabama

***Stevenson v. Home Point Financial Corp.*, 2:18-cv-10233-KM-SCM, D.N.J. (Oct. 16, 2018)**

Obtained early, voluntary dismissal of putative class action for FCRA claims after filing a motion to dismiss.

***Kirby v. Caliber Home Loans, Inc.*, Civil No. 2:14-cv-01665-TMP, N.D. Ala. (Aug. 23, 2017)**

Obtained significant summary judgment decision related to RESPA provision and multiple related claims.

***Robert and Elena DeFranceschi v. GMAC Mortgage, LLC*, No. 352-247037-10, District Court for the 352nd Judicial District, Tarrant County, Texas (Sept. 29, 2011)**

Obtained unanimous jury verdict after three-day trial in wrongful foreclosure case. Plaintiffs sued for fraud, breach of contract, anticipatory breach of contract, gross negligence, bad faith and unfair collection practices.

***Murphy v. Bank of America*, 2:12-cv-2520-VEH, 2012 WL 5954144, N.D. Ala. (Nov. 28, 2012)**

Obtained Rule 12(b)(6) dismissal of SCRA putative class action.

## Litigation Bio

Keith Anderson is a litigation and labor & employment partner and concentrates his practice on representing financial institutions in mortgage litigation, as well as representing and advising employers in employment matters. In his financial institution practice, Keith has handled numerous litigated cases including TILA, RESPA, HOEPA, FDCPA, predatory lending, mortgage related fees and services, origination, pooling and servicing agreements, loan repurchase disputes, investor disputes, servicing matters, mortgage fraud, and contentious foreclosure actions. In employment cases, he has defended employers in claims under the FLSA, ADA, ADEA, FMLA, WARN and claims of discrimination, as well as counseling employers on compliance and effective employment policies.

## Experience

### GENERAL EXPERIENCE

***United States v. Wells Fargo Dealer Services*, CV No. 2:16-07336, C.D. Cal**

Representation of Wells Fargo in Consent Order with the Department of Justice related to Servicemembers Civil Relief Act (SCRA) and auto repossessions.

***Stevenson v. Home Point Financial Corp.*, 2:18-cv-10233-KM-SCM, D.N.J. (Oct. 16, 2018)**

Obtained early, voluntary dismissal of putative class action for FCRA claims after filing a motion to dismiss.

***Kirby v. Caliber Home Loans, Inc.*, Civil No. 2:14-cv-01665-TMP, N.D. Ala.**

Ohio

## Admitted In

United States District Court, Middle District of Alabama

United States District Court, Northern District of Alabama

United States District Court, Southern District of Alabama

United States District Court, Northern District of Georgia

United States District Court, District of Minnesota

United States District Court, Northern District of Ohio

United States District Court, Southern District of Ohio

United States District Court, Northern District of Texas

United States District Court, Southern District of Texas

United States District Court, Eastern District of Texas

United States District Court, Western District of Texas

United States District Court, Middle District of Georgia

**(Aug. 23, 2017)**

Obtained significant summary judgment decision related to RESPA provision and multiple related claims.

***Carr v. Ocwen Loan Servicing, LLC*, Civil No. 1:16-cv-4036-AT, N.D.**

**Georgia (June 27, 2017)**

Awarded motion to dismiss of putative nationwide class action related to 1099 filings.

***Kelly v. Fannie Mae/Seterus*, Civil Action No. 2014-cv-3755, Clayton**

**County Superior Court, Georgia (Apr. 16, 2015)**

Motion for summary judgment granted on multiple claims after extensive briefing.

***Luster v. Kondaur Capital* (Civil No. 4:15-cv-190)**

Obtained early dismissal of nine of 10 claims with 12(b)(6) motion and then received dismissal of last claim on summary judgment.

***Ocwen v. Chicago Title*, Case No. 2014CV244272 (Fulton County, GA**

**Superior Court)**

Obtained summary judgment as plaintiff in a title claim case in Fulton County, Georgia.

***Hasan v. Bank of America*, Civil No. 15-cv-3037-DSD, App. No. 15-3903 (8<sup>th</sup>**

**Cir. Jul. 6, 2016)**

Obtained motion to dismiss with prejudice as to FDCPA and identity theft claims and dismissal was affirmed at the Eighth Circuit Court of Appeals.

***Au v. Seterus, Inc.*, Civil No. 15-cv-11141, Superior Court of DeKalb County,**

**Georgia (Oct. 31, 2016)**

Obtained early summary judgment on wrongful foreclosure claims.

***Carley v. Seterus, Inc.*, Civil No. 1:16-cv-2184 (N.D. Ga. Jan. 23, 2017)**

Filed and granted motion to dismiss with prejudice on multiple claims and defeated temporary restraining order filing.

***Gorman v. Deutsche Bank/GMAC*, Civil No. 4:12-cv-00098 (E.D. Tex. Feb. 8, 2017)**

Court granted summary judgment motion for multiple claims related to Texas Home Equity Loan and denied the plaintiff's multiple motions.

***Durand v. Bank of America, N.A.*, Civil No. 15-cv-00126 (D. Minn. May 30, 2017)**

Obtained summary judgment on mortgage fraud and quiet title case.

***Bastrop Riverside Grove Homeowners Associations, Inc. v. MERS, Inc., Bank of America, N.A., Specialized Loan Servicing, LLC, Bank of New York***

***Mellon, America's Wholesale Lender, CTC Real Estate Services, and Jaime Espinoza***

Obtained Rule 12 (b)(6) dismissal of borrower's fraud and wrongful foreclosure claims to validate client's lien on property.

***DTND Sierra Investments LLC v. The Bank of New York Mellon Trust Company, N.A., Case No. SA-12-1014-XR, 2013 U.S. Dist. LEXIS 104792***

Obtained Rule 12 (b)(6) dismissal of wrongful foreclosure and declaratory relief claims.

***Johnlewis, Bernadette v. U.S. Bank, National Association, et al., Case No. H-12-3360, 2013 U.S. Dist. LEXIS 134482***

Obtained dismissal of borrower's declaratory judgment, statutory and quiet title claims.

***Diggs v. USAA Federal Savings Bank, et al., Case No. D-1-GN-11-3154 (345th District Court of Travis County, Texas; August 28, 2012)***

Obtained summary judgment on wrongful foreclosure, quiet title and predatory lending claims.

***Guerrero v. Homecomings Financial, LLC, et al., Case No. 5:09-cv-98 (S.D. Tex. 2012)***

Obtained summary judgment on multi-claim wrongful foreclosure and fraud allegations.

***Amanfo v. Saxon Mortgage Services, Inc., et al., Civil Action No. 1:11-cv-502-JOF (N.D. Ga. 2012)***

Obtained summary judgment on fraud and Georgia RICO claims.

***Shelton v. Saxon Mortgage Services, Inc., et al., Civil Action No. 1:11-cv-972-JOF (N.D. Ga. 2012)***

Obtained summary judgment on wrongful foreclosure claims.

***EON Reality, Inc. v. O'Brien & Navigator Development, Case No. 1:11-cv-439-SRW, 2012 WL 3069945 (M.D. Ala. July 27, 2012)***

Obtained dismissal order and award of attorneys' fees in trademark infringement case.

***Poswalk v. GMAC Mortgage, LLC, 2012 WL 2193982, N.D. Tex. (June 15, 2012)***

Obtained summary judgment on alleged violations of Texas Home Equity Loan Constitutional provisions.

***Grisham v. Deutsche Bank Trust Company Americas, 2012 WL 2568178 (S.D. Tex. June 28, 2012)***

Obtained dismissal of declaratory judgment and fraud claims.

***Hazel v. Monarch Windows and Doors, LLC, et al.*, 2012 WL 1884757 (N.D. Ala. May 17, 2012)**

Acted as lead attorney in applicant's claim that Monarch did not hire him because of his age. Despite the fact that two of the four decision-makers had passed away by the time the case was filed and that the lead decision-maker left the company during discovery, obtained summary judgment.

***Daugherty v. MAPCO Express Inc.*, 2012 WL 2357732, N.D. Ala. (June 19, 2012)**

Former employee claimed gender discrimination in her termination from employment. Employer asserted employee had waived her claims by executing a Severance and Release Agreement and filed a motion for summary judgment. Employee argued that the waiver did not apply because the explanation for her termination, elimination of her position, was not true as evidenced by employer's subsequent hiring of a male employee in her same position. The court granted the employer's motion for summary judgment citing that the waiver was valid and enforceable and waived all claims related to her employment.

***Elliot v. WB Excellence, Inc.*, Case No. 2:10-cv-1192-LSC (N.D. Ala. September 13, 2011)**

Obtained summary judgment on age discrimination claims.

***Hornsby v. Tanory Moving Systems, Inc.*, 2:08-cv-469 (N.D. Ala.)**

Compelled plaintiff's dismissal of a Fair Labor Standards Act case in Northern District of Alabama after filing summary judgment motion.

***Deutsche Bank v. Caldwell*, 20080215CVE**

Awarded summary judgment dismissal of counterclaims in Adams County, Ohio.

***Robert and Elena DeFranceschi v. GMAC Mortgage, LLC*, No. 352-247037-10, District Court for the 352nd Judicial District, Tarrant County, Texas (Sept. 29, 2011)**

Obtained unanimous jury verdict after three-day trial in wrongful foreclosure case. Plaintiffs sued for fraud, breach of contract, anticipatory breach of contract, gross negligence, bad faith and unfair collection practices.

***Mortgage Electronic Registration Systems, Inc. v. Khyber Holdings, LLC*, Case No. 2011-40074 (113th Judicial District Court, Harris County, Texas; October 5, 2012)**

Court granted equitable bill of review vacating a prior default judgment.

***Murphy v. Bank of America*, 2:12-cv-2520-VEH, 2012 WL 5954144, N.D. Ala. (November 28, 2012)**

Obtained Rule 12(b)(6) dismissal of SCRA putative class action.

***Garza v. Deutsche Bank Trust Company*, Civil No. A-12-CV-741-LY (W.D. Tex. January 23, 2013)**

Obtained granting of motion to dismiss wrongful foreclosure claims.

***Hilger v. Bank of America, Case No. 4:12-cv-214-RAS (E.D. Tex. March 28, 2013)***

Obtained granting of motion to dismiss wrongful foreclosure and slander of title claims.

***Perales v. Bank of America, Case No. 4:14-cv-1791 (S.D. of Tex. 2014)***

Obtained 12(b)(6) dismissal of wrongful foreclosure-related claims.

***Celestin v. Specialized Loan Servicing, LLC, Case No. 1:13-cv-24558-AOR, S.D. of Florida (2014)***

In service members' Civil Relief Act case, obtained summary judgment on two of three claims resulting in resolution of the case before trial.

***Woods v. OneWest Bank, FSB, Case No. 2:13-cv-1367-HGD (N.D. of Ala. 2014)***

Obtained 12(b)(6) dismissal of allegations related to purported loan modification.

***Rogers v. Bank of America, N.A., Case No. 13-cv-1698, 2014 WL 2968900 (D. Minn. 2014)***

Obtained 12(b)(6) dismissal of declaratory judgment, breach of contract, slander of title and state statutory claims.

***Kerwin v. Bank of America, N.A., Case No. 13-3312, 2014 WL 3101323 (D. Minn. 2014)***

Obtained 12(b)(6) dismissal of breach of contract and promissory estoppel claims.

***Federal National Mortgage Association v. Ethredge, Civil Action No. CV-2014-900125 in the Circuit Court of Jefferson County, Ala. 2014***

Obtained summary judgment on ejectment action defeating claims of wrongful foreclosure.

***Montero v. Bank of America, et al., Civil No. 13-cv-850 (SRN/TNL)***

Obtained motion to dismiss in 2014 involving claims of quiet title to determine adverse claims under Minn. Stat. § 559.01, declaratory judgment, and slander of title.

***Rogers v. Bank of America, N.A., et al., Case No. 0:13-cv-01698-SRN-TNL (2014)***

Obtained motion to dismiss involving claims of breach of contract, challenging foreclosure standing, defective foreclosure, and slander of title. It was appealed to the 8<sup>th</sup> Court of Appeals, which affirmed the judgment of the district court.

***Jaakola et al. v. The Bank of New York Mellon, et al., Case No. 0:13-cv-***

#### **02919-DSD-JSM (2014)**

Obtained granting of motion to dismiss on September 30, 2014, involving claims of quiet title to determine adverse claims under Minn. Stat. §599.01, declaratory judgment, and slander of title. It was appealed to the 8<sup>th</sup> Court of Appeals, which affirmed the judgment of the district court.

#### ***Duncan v. BAC Home Loans Services, LP, et al.*, Case No. 0:13-cv-03079-PAM-TNL (2014)**

Obtained motion to dismiss in 2014 involving claims of declaratory judgment and bad faith loan servicing.

#### ***Kerwin v. Bank of America National Association, et al.*, Case No. 0:13-cv-03312-DSD-SER (2014)**

Obtained motion to dismiss involving claims of breach of contract, promissory estoppel and declaratory judgment.

#### ***Stark et al v. Bank of America, N.A., et al.*, Case No. 0:14-cv-02931-ADM-FLN (2015)**

Obtained motion to dismiss in 2015 involving claims of breach of contract, negligent misrepresentation, breach of the Covenant of Good Faith and Fair Dealing, equitable estoppel, promissory estoppel, and violation of Minnesota Statutes §§ 580.02, 580.04 and 582.043. It was appealed to the 8<sup>th</sup> Circuit Court of Appeals, which affirmed the judgment of the district court.

#### ***Asake et al. v. Moynihan, et al.*, Case No. 0:15-cv-02110-PJS-FLN**

Obtained motion to dismiss in 2015 involving claims of unjust enrichment, fraud, Truth in Lending Act and quiet title.

## **Accolades**

- Listed in *Alabama Super Lawyers*, "Rising Star," Employment & Labor, 2013-2015
- Listed in the *Birmingham Business Journal's*, "Veterans of Influence," 2019

## **You May Not Know**

Keith's wife, and much better half, continues to serve as a Lieutenant Colonel in the U.S. Air Force Reserves. When away from the office, Keith enjoys constantly attending his kids' sporting events and is an active member of The Church at Brook Hills.

## **Professional & Community Activities**

Mortgage Bankers Association

Education Finance Council, Affiliate Member

Alabama Bar Association

Defense Research Institute

American Conference Institute's Residential Mortgage Litigation & Regulatory  
Enforcement Seminar, Speaker

U.S. Air Force Academy Association of Graduates, Chapter President