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Marc D. Cabrera

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Areas of Focus

- Financial Services
- Financial Services Litigation
- Consumer Financial Services Litigation

Education

- J.D., *cum laude*, Southern Methodist University Dedman School of Law, 2009
- B.B.A., Southern Methodist University, 2000

Bar Jurisdictions

- Texas, 2009
- New York, 2015
- Oklahoma, 2019

Court Admissions

- U.S. Court of Appeals, Fifth Circuit
- U.S. Court of Appeals, Ninth Circuit
- U.S. District Court, Southern District of New York
- U.S. District Court, Northern District of Texas
- U.S. District Court, Southern District of Texas
- U.S. District Court, Eastern District of Texas
- U.S. District Court, Western District of Texas

Overview

Marc D. Cabrera is a seasoned litigator with extensive experience managing and resolving disputes for clients in the financial services industry throughout all stages of litigation in federal and state trial and appellate courts across the country. His practice focuses on the representation of banks, lenders, servicers, investors and other financial institutions in a high-volume docket of complex business-related and financial services litigation.

He successfully manages and aggressively resolves disputes for clients in all aspects of litigation arising from claims alleging violations of the Real Estate Settlement Practices Act (RESPA), Truth-In-Lending Act (TILA), Fair Credit Reporting Act (FCRA), Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Electronic Fund Transfer Act (EFTA), Fair Housing Act (FHA), Service members Civil Relief Act (SCRA), and state specific unfair, deceptive, or abusive acts and practices (UDAAP) claims in numerous jurisdictions.

Marc also has substantial litigation experience in defending financial services clients in cases involving constitutional violations of home-equity loans under article XVI, section 50(a)(6) of the Texas Constitution and against claims for wrongful foreclosure, breach of contract, assignment and securitization challenges, homeowner association foreclosures, national mortgage settlement and consent judgment violations and expiration of statute of limitations to foreclose allegations.

He's represented servicers and investors in mortgage repurchase litigation, handled lawsuits involving Racketeer Influenced and Corrupt Organizations Act (RICO) claims and defended mortgage companies in putative class action lawsuits involving alleged improper collections and servicing practices in multiple jurisdictions.

Marc is also a co-author of the Texas Foreclosure Manual (and Supplement), Third Edition, Chapter 10: Borrower Challenges to Foreclosure and Lender Responses.

Distinctions

- Selected for inclusion in *The Best Lawyers in America*[®] for Banking and Finance Law, 2022
- Named "Rising Star" by *Super Lawyers* magazine, 2014-2019
- Fellows Alumnus - Leadership Council on Legal Diversity (LCLD)
- Member - Dallas Hispanic Bar Association
- Barrister - Patrick E. Higginbotham American Inn of Court

Key Matters

- First chair experience in arguing numerous dispositive motions, defending several restraining order and injunction hearings, and mediating cases for banks, lenders, servicers, and investors in consumer finance litigation in state and federal courts
- Represented servicers and investors in mortgage-repurchase litigation in Arizona, California, Georgia, Massachusetts, New Jersey, Pennsylvania, Texas, and Washington federal courts
- Defended putative class-action lawsuits against mortgage servicers relating to alleged improper collection and servicing practices in Arkansas, Missouri, Oklahoma, and Texas
- Represented servicer, corporation, and former officer of REIT in lawsuits involving RICO claims
- Represented national bank in state and federal garnishment actions
- Prosecuted multiple forcible entry and detainer trials on behalf of property management company