

# Anthony J. Rollo, Jr.



## member

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## education

Rutgers University School of Law (J.D., 1982)

Drexel University (M.B.A., 1980)

Villanova University (B.S., 1978)

## admissions

Florida

Louisiana

U.S. District Court for the Eastern District of Louisiana

U.S. District Court for the Middle District of Louisiana

U.S. District Court for the Western District of Louisiana

U.S. Supreme Court

U.S. Court of Appeals for the Fifth Circuit

## honors

- *Martindale-Hubbell*™ AV Preeminent® Peer Review Rated Lawyer, 1995 to present
- Selected in 2013 as a Top Rated Lawyer in banking and finance by American Lawyer Media and *Martindale-Hubbell*™

Clients appreciate the creative and result-oriented approaches and scalable solutions we bring to their matters. They also value the integrated team of best-in-class, substantive specialists with whom we collaborate as we craft and execute tactical, sound, and adaptive strategies to reach the best outcomes for them. Because I have litigated hundreds of class actions and other highly complex cases, I rarely encounter anything we haven't already handled – and that enhances my ability to represent clients effectively and efficiently at the highest levels.

Recognized nationally by prominent ranking agencies, trial lawyer Anthony Rollo represents clients in class action and complex business litigation around the country. Anthony draws on more than 35 years of experience and a deep well of knowledge to advocate for clients in all types of consumer and commercial disputes, with a focus on financial services and insurance litigation. As the practice group head for the firm's

- *The Best Lawyers in America*® (Litigation – Banking & Finance, Mass Tort Litigation / Class Actions – Defendants), 2010–2023
- *Best Lawyers* Baton Rouge Mass Tort Litigation / Class Actions – Defendants “Lawyer of the Year,” 2013, 2015, 2018, 2020
- *Best Lawyers* Baton Rouge Litigation – Banking and Finance “Lawyer of the Year,” 2022, 2024
- *Louisiana Super Lawyers* (Banking, Business Litigation, Class Action/Mass Torts), 2010–2012, 2014–2018

## affiliations

### Professional

- Consumer Financial Services Association
- Consumer Credit Industry Association
- American Financial Services Association
- Center for Financial Services Innovation
- The Conference On Consumer Finance Law
- National Association of Motor Vehicle Boards and Commissions
- Short-Term Loan Bar Association
- CARLAW and HOUSELAW (legal publications serving the automotive and mortgage finance industries), former Louisiana Editor

Commercial Litigation and Class Action defense groups, he counsels clients in a wide range of areas, including:

- Consumer finance law and related regulatory proceedings and litigation
- Licensing, regulatory, privacy, and litigation aspects of selling products and services online, and implementing online strategies
- Complex business litigation matters
- Credit-related insurance and ancillary product sales practices, and related litigation

Clients also turn to Anthony for representation in government regulatory investigations and enforcement actions. With decades of experience in handling these matters, he fully understands the ways in which state and federal regulators operate. This familiarity helps him steer clients around the potential pitfalls clients encounter in these complicated and often intimidating situations.

Anthony has defended some 250 class actions in 25 states in federal, bankruptcy, state, and arbitration proceedings for banks, other lenders, insurers, and their service providers, which have involved scores of types of claims, causes of action, and emerging theories. These disputes have consisted of an array of federal and state claims and issues across numerous products and services, including those involving or relating to:

- TILA, TCPA, CLA, HOEPA, FDCPA, FCRA, RESPA, RICO, UDAP, and state UDAP laws
- Alleged predatory lending
- Mortgage-related fees
- Mortgage yield spread premiums
- Debt collection practices
- Payday and small-dollar loans
- Credit card fees and practices
- Upcharge disclosures
- Collateral protection insurance
- Payment and insurance packing
- Gross debt credit insurance
- Lease disclosures
- Service contract disclosures

- Mortgage escrow practices
- Credit card payments for online gambling
- Discriminatory pricing
- “Diminished value” insurance payments
- Insurance commission disclosures
- Credit insurance and ancillary product fees and disclosures

Frequently receiving invitations from industry trade groups, Anthony has given scores of presentations to their members at national programs on leading-edge topics relating to class action, consumer finance, CFPB and other regulatory agencies, and related subjects. Similarly, Anthony has authored scores of articles published in trade journals and law reviews on these and related topics.

### published articles

“New Limits on agency guidance: What recent Trump executive orders may mean for financial institutions,” *Consumer Financial Services Law Report*, 23 No. 18 Consumer Fin. Services L. Rep. 6, March 17, 2020

“Hold the Phone – The D.C. Circuit Finally Speaks on the TCPA – And It’s Mainly Good News!” *McGlinchey Consumer Financial Services Alert*, March 20, 2018

“Next Steps for Consumer Financial Services Providers Following Override of CFPB Arbitration Rule,” *McGlinchey Consumer Financial Services Alert*, October 26, 2017

“Is Presumption in Favor of CAFA Removal Gaining Traction Post-*Dart Cherokee*?”, *Bloomberg BNA Class Action Litigation Report*, 17 Class 614. June 10, 2016

“CFPB’s Proposed Rule Would Ban Class Action Waivers in New Contracts, Would Require New Language and Reporting,” *McGlinchey Consumer Financial Services Alert*, May 5, 2016

“*Dart Cherokee* Portends Litigation over Presumption in Favor of CAFA Removal,” *Consumer Financial Service Law Report*, 19 No. 2 Consumer Fin. Services L. Rep. 2, May 29, 2015

“Supreme Court Rejection of Presumption Against Removal of CAFA Cases in *Dart Cherokee* Opens Door to Presumption in Favor of CAFA Removal,” *Bloomberg BNA Class Action Litigation Report*, 16 Class 362, March 27, 2015

“Supreme Court Questions Its Jurisdiction in CAFA Case,” *Westlaw Journal Bank & Lender Liability*, 20 No. 16 WJBLL 16, December 29, 2014; *Westlaw Journal Bankruptcy*, 11 No. 17 WJF 16, December 18, 2014; “Supreme Court Questions Its Jurisdiction in CAFA Case,”

*Consumer Financial Services Law Report*, Vol. 18, Issue 12, November 28, 2014; *Westlaw Journal Class Action*, 21 No. 10 WJCLA2, November 19, 2014

"Taking the Simple Road: High Court Rejects 'Claim' Approach," *Consumer Financial Services Law Report*, 17, Issue 16, February 14, 2014

"On a Roll: Supreme Court to Hear Second CAFA case," *Westlaw Journal Class Action*, 20 No. 9 WJCLA 2, October 18, 2013; *Westlaw Journal Aviation*, 31 No. 13 WJAVIA 2, August 13, 2013; *Westlaw Journal Automotive*, 33 No. 3 WJAUTO 1, July 30, 2013; *Consumer Financial Services Law Report*, Vol. 17, Issue 4, July 5, 2013

"Navigating the CFPB's Consumer Complaint and Company Portal Process (Part 2)," *Consumer Financial Services Law Report*, Vol. 17, Issue 7, August 16, 2013

"U.S. Supreme Court Grants Certiorari in Appellate Case to Solve the Split on Removal of Attorney General Actions under Class Action Fairness Act," *BNA Class Action Litigation Report*, July 29, 2013

"Navigating the CFPB's Consumer Complaint and Company Portal Process (Part 1)," *Consumer Financial Services Law Report*, Vol. 17, Issue 6, July 29, 2013

"Seventh Circuit Addresses Meaning of 'Called Party' under the TCPA," *Consumer Finance Law Quarterly Report*, 66 Consumer Fin. L.Q. Rep., Winter 2012

"Finally! The Inaugural Class Action Fairness Act Case Before the U.S. Supreme Court and What It's All About," *BNA, Insights*, December 21, 2012

"The ABC's of a CFPB Adjudicatory Proceeding (Part II)," *Consumer Financial Services Law Report*, Vol. 16, Issue 11, November 23, 2012

"The ABC's of a CFPB Adjudicatory Proceeding (Part I)," *Consumer Financial Services Law Report*, Vol. 16, Issue 10, October 23, 2012

"Two Important Developments Concerning the Telephone Consumer Protection Act," *Consumer Finance Law Quarterly Report*, Vol. 66 Nos. 1 and 2, 2012

"The ABC's of a CFPB Civil Investigative Demand," *Consumer Financial Services Law Report*, Vol. 16, Issue 5, August 10, 2012; *Federal Discovery News*, Vol. 18, Issue 9, August 2012; *Commercial Lending Litigation News*, Vol. 25, Issue 9, August 21, 2012

"Removal of Attorney General Actions Under the Class Action Fairness Act of 2005," *BNA, Inc. Class Action Litigation Report*, Vol. 12, No. 9, May 13, 2011; *BNA, Inc. Product Safety & Liability*, Vol. 39, No. 17, April 25, 2011; *BNA, Inc. Toxics Law Reporter*, Vol. 26, No. 15, April 14, 2011

"Alert: Louisiana Supreme Court Confirms Yield Spread Premiums Are Not Included In the HOEPA Points and Fees Calculation," *McGlinchey Consumer Financial Services Alert*, November 30, 2010

"An Analysis of *Cappuccitti*: Eleventh Circuit Panel Adds New Amount in Controversy Requirement to CAFA Jurisdiction," *BNA, Inc. Toxics Law Reporter*, Vol. 25, No. 32, August 19, 2010

"Removal of state AG *parens patriae* actions under CAFA," *Consumer Financial Services Law Report*, Vol. 14, Issue 6, August 18, 2010

"An Analysis of *Cappuccitti*: Eleventh Circuit Panel Adds New Amount in Controversy Requirement to CAFA Jurisdiction," *BNA, Inc. Class Action Litigation Report*, Vol. 11, No. 15, August 13, 2010

"Class Actions: Going Federal," *Risk Management Magazine*, May 2010

"How to avoid reaping what you didn't sow: CAFA's solution for removal of counterclaim class actions," *Consumer Financial Services Law Report*, Vol. 13, Issue 16, February 17, 2010

"A Move in the Right Direction – The Tide is Turning for Removal by Counterclaim Defendants Under CAFA," *BNA, Inc. Class Action Litigation Report*, Vol. 10, No. 22, November 27, 2009

"Requested *en banc* rehearing petition to 4<sup>th</sup> Circuit in *Palisades* could breath new life into CAFA removal provision," *Consumer Financial Services Law Report*, Vol. 12, Issue 14, January 21, 2009

"CAFA enunciates a new burden of proof standard for federal jurisdiction," *Consumer Financial Services Law Report*, Vol. 10, Issue 5, August 9, 2006

"CAFA's New 'Minimal Diversity' Standard For Interstate Class Actions Creates A Presumption That Jurisdiction Exists, With The Burden of Proof Assigned To The Party Opposing Jurisdiction," 25 Miss. C.L. Rev. 7, 2005

"Resorting to CAFA's legislative history resolves some ambiguities," *Consumer Financial Services Law Report*, Vol. 9, Issue 10, November 2, 2005

"Practitioners review 'abstention' procedure under Sections 1332(d)(3) and (4)," *Consumer Financial Services Law Report*, Vol. 9, Issue 2, June 15, 2005

"Mapping the New Class Action Frontier – A Primer on the Class Action Fairness Act and Amended Federal Rule 23," *Consumer Finance Law Quarterly Report*, Vol. 59, Nos. 1-2, Spring-Summer 2005

"The Newly Enacted Class Action Fairness Act (Part 2 of 2)," *Consumer Financial Services Law Report*, Vol. 8, Issue 18, Mar. 23, 2005

"The Newly Enacted Class Action Fairness Act (Part 1 of 2)," *Consumer Financial Services Law Report*, Vol. 8, Issue 17, Mar. 9, 2005

"Update on Credit Insurance Issues and Developments: An Industry Under Siege," *Consumer Finance Law Quarterly Report*, 58 Consumer Fin. L.Q. Rep. 238, Winter 2004

"Reliance On Fraudulent Misrepresentations Now Required To Establish Proximate Cause Under RICO In The Fifth Circuit," *Consumer Financial Services Law Report*, Vol. 4, Issue 9, Oct. 13, 2000

"Non-Signatory Non-Party Seller Compels Arbitration Against Mobile Home Purchasers," *Consumer Financial Services Law Report*, Vol. 4, Issue 4, Aug. 4, 2000

"The Private Cause of Action Under Louisiana's Unfair Trade Practices And Consumer Protection Law," *Louisiana Bar Journal*, Vol. 34, No. 6, April 1987

"England's Curious Court System: An American Looks On," *The National Law Journal*, 3, No. 6, October 20, 1980

## presentations

"Where Does it End?—The Disturbing Wave of Radical CFPB / State Regulator Enforcement Initiatives," 2022 Consumer Finance Legal Conference, October 19, 2022

"What's Going on at the CFPB and Further State Mini-CFPB Initiatives and Updates," 2021 Virtual Consumer Finance Legal Conference, October 13, 2021

"CFPB and Mini-CFPB Developments," 2020 Virtual Consumer Finance Legal Conference, October 8, 2020

"Rough Seas Ahead for Mortgage Servicers," on the topic COVID-19 Default Servicing Changes, *McGlinchey Exclusive Industry-only webinar*, April 24, 2020

"Federal and State Enforcers: Discussion of New Risks in Concurrent Enforcement, Supervision, and Examination Under Dodd-Frank," 2019 Consumer Finance Legal Conference, October 16, 2019, New Orleans, LA

"New Risks From State AGs and Regulators Under Dodd-Frank Concurrent Enforcement," Short Term Loan Bar Association 2018 Annual Conference, November 11 – 13, 2018

"Life Under Mulvaney: Current Focus and Future Priorities, Update on Orders and Examination Trends, Rulemaking and RFI Status, Empowerment of State Regulators, and Congressional Efforts to Reform," 2018 Consumer Finance Legal Conference, October 17 – 19, 2018

“Class Action Update and Current Trends in Consumer Litigation,” *Tenth Annual Consumer Finance Legal Conference*, October 20 – 21, 2011, New Orleans, LA

“A Focus on Class Actions: Emerging Strategies and Best Practices for Prevailing Against the Latest Plaintiffs’ Claims,” American Conference Institute’s *Residential Mortgage Litigation & Regulatory Enforcement*, September 20 – 21, 2011, Dallas, TX

“Class Action Developments: What Recent Cases and Pending Policy Changes Mean for Your Litigation, Investigation and Settlement Strategies,” American Conference Institute’s *Consumer Finance Class Actions & Litigation*, July 27 – 28, 2011, Chicago, IL

“A Focus on Class Actions: Emerging Strategies and Best Practices for Prevailing Against the Latest Plaintiffs’ Claims,” American Conference Institute’s *Residential Mortgage Litigation & Regulatory Enforcement*, April 7 – 8, 2011, Washington, DC

“Consumer Class Action Litigation and Procedure in the Context of Data Privacy & Information Security,” American Conference Institute’s *Data Privacy and Information Security*, June 3 – 4, 2010, Dallas, TX

“Defending Against Borrower Class Actions in Federal Court: CAFA, Removal, Certification, Settlement and Beyond,” American Conference Institute’s *Consumer Finance Class Actions & Litigation*, January 26-27, 2010, New York, NY

“Update on Class Actions and The CAFA,” The Credit Law Institute’s conference on *Consumer Credit 2009*, November 5-6, 2009, Dallas, TX

“Class Action and Consumer Litigation Update,” *Eighth Annual Consumer Finance Legal Conference*, October 22-23, 2009, New Orleans, LA

“The CAFA Fallout Continues: Grappling With Still-Unresolved Issues and Responding to New Plaintiff’s Tactics Regarding Venue in CAFA (and Non-CAFA) Cases,” American Conference Institute’s *Positioning the Class Action Defense for Early Success*, September 23-24, 2009, Phoenix, AZ

“Master Class on Defending Against Borrower Class Actions in Federal Court – CAFA, Removal, Certification, Settlement and Beyond,” American Conference Institute’s *Consumer Finance Class Actions & Litigation*, January 26-28, 2009, New York, NY

“Assessing Strategic Venue Considerations Triggered by CAFA and Addressing the Still-Unresolved CAFA Issues Impacting Class Actions Today,” American Conference Institute’s *Positioning the Class Action Defense for Early Success*, October 27-28, 2008, Scottsdale, AZ

“Emerging Trends in Class Actions,” *7<sup>th</sup> Annual Consumer Finance Legal Conference*, October 16-17, 2008, New Orleans, LA

"HMDA Litigation and Enforcement Actions," *2007 Consumer Finance Legal Conference*, October 25-26, 2007, New Orleans, LA

"Analyzing the Effect of CAFA on Class Action Litigation, American Conference Institute's *Defense Counsel Forum on Positioning the Class Action Defense for Early Success*, September 26-27, 2007, Phoenix, AZ

"Class Action Fairness Act: Its Application and Practical Implications," Louisiana State Bar Association's *23<sup>rd</sup> Annual Summer School for Lawyers*, June 3-6, 2007, Sandestin, FL

"Decertification, Removal and Other Procedural Strategies for HMDA-Related Class Actions," American Conference Institute's *The Defense Forum on Preparing for the Emerging Litigation and Enforcement Challenges of the New Requirements Under HMDA* program, June 14-15, 2005, Washington, DC

"How Will the Class Action Fairness Act Affect Defense Strategies" and "Changes in Rule 23 of the Federal Rules: New Opportunities, Pitfalls and Recent Jurisprudence," American Conference Institute's *Consumer Finance Class Actions* program, September 2004, New York

"Consumer Litigation 2004: What's Hot . . . What's Not," "Bankruptcy Class Actions," and "Drafting and Enforcing Arbitration Provisions: Recent Trends," *Consumer Finance Legal Conference*, September 9-10, 2004, New Orleans, LA

"The Future of Consumer Financial Services Law," The Conference on Consumer Finance Law's *Consumer Financial Services in the 21<sup>st</sup> Century* program, July 2004, Maui, HI

"Mississippi Forum: Point / Counterpoint" & "Litigator's Perspective: Selective Consumer Finance Cases and Issues," CompliSource/McGlinchey *Legal Compliance Seminar*, September 2003, New Orleans, LA

"Creative Litigation Strategies Applying Federal Preemption Principles," Consumer Bankers Association's *Legal Committee meeting*, August 2003, San Francisco

"Litigation Risks and Update for Automobile Finance & Mortgage Lending in Mississippi and Beyond," CompliSource/McGlinchey *Legal Compliance Seminar*, February 2002, San Diego

"Litigator's Perspective: Cutting Edge Cases and Strategy In Automotive and Mortgage Finance," CompliSource/McGlinchey *Legal Compliance Seminar*, September 2002

"Collateral Attacks On Class Action Settlements," The Conference on Consumer Finance Law's *Consumer Credit 1998* program, November 1998, Dallas, TX

"Analysis of Recent Truth-In-Lending Class Action Cases In The Automotive Finance Field; Defenses; Truth-In-Lending Simplification

Revisited,” The Conference On Consumer Finance Law’s *Consumer Credit 1997* program, November 1997, Dallas, TX