

Joseph A. Apatov



member

fort lauderdale

japatov@mcglinchey.com

T (954) 356-2516 F (954) 252-3808

Legal Secretary

Raxon Walters

rwalters@mcglinchey.com

(954) 356-2451

education

Duke University School of Law (J.D., 2011)

- *Duke-Geneva Institute in Transnational Law*

Pennsylvania State University - University Park
(B.A., Philosophy, 2007, with Honors)

admissions

Florida

U.S. District Court for the Southern District of
Florida

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

U.S. Court of Appeals for the Eleventh Circuit

U.S. Bankruptcy Court for the Middle District of
Florida

honors

- *Florida Super Lawyers "Rising Stars"*
(Consumer Law, Business Litigation,
Appellate, Real Estate: Consumer), 2018–
2022
- Best Lawyers: Ones to Watch (Commercial
Litigation), 2021

I pride myself on finding creative solutions and crafting effective technical arguments to solve my client's most difficult problems. When it seems like our back is against the wall, clients appreciate that I find unusual and cutting-edge ways to open doors for defense. That is why clients frequently seek my guidance when faced with class actions and other complex and novel issues.

Joseph "Joe" Apatov is a versatile litigator who defends clients in class actions and complex litigation nationwide. With over a decade of experience in financial services, Joe handles disputes arising under federal and state consumer protection statutes, especially in Florida. He is particularly adept at handling litigation arising under the Fair Credit Reporting Act (FCRA) and has a knack for understanding unique issues faced by FinTechs and auto lenders in litigation.

In leading class action teams, Joe manages strategy and weaves together representation from across the firm's practice groups. He has handled dozens of class actions involving issues

affiliations

Professional

- Florida Bar
- Broward County Bar Association
- Federal Bar Association (Member, Broward Chapter)
- Association of Credit and Collection Professionals (ACA International)

ranging from data privacy to debt collection and more, and has overseen cases in more than 15 states. Clients have specifically sought Joe's counsel for a wide range of matters, ranging from cases involving potential exposure of over \$1 billion to cases challenging the company's entire business model. He has defeated class certification and successfully argued key issues pertaining to jurisdiction and damages.

In his financial services litigation practice, Joe interfaces seamlessly with McGlinchey's regulatory compliance attorneys to provide comprehensive, thorough representation. He looks for systemic problems that may have caused the underlying issue and, where appropriate, advises the client on remedial steps to take to avoid these issues. When litigation arises, the firm's FinTech clients in particular benefit from Joe's familiarity with the industry's unique legal and business considerations.

A gifted technical communicator, he strives to present each assertion, whether in writing or in a courtroom, in a manner that makes it as familiar and palatable as possible. Joe also excels at researching and presenting novel or innovative arguments concerning legal issues that seem settled and final.

Joe is a respected voice among peers and colleagues, and he writes and speaks frequently on the topics of credit reporting, class actions, and complex litigation strategy. He has authored chapters in textbooks and treatises related to federal jurisdiction, the FCRA, and litigation considerations for credit card issuers.

Notable Cases

- *Deutsche Bank Nat'l Trust Co. v. Green*, --- So.3d ---, 2018 WL 3595290 (Fla. 5th DCA July 27, 2018)
- *Kurzban v. Specialized Loan Servicing, LLC*, 2018 WL 1570370 (S.D. Fla. Mar. 30, 2018)
- *Green v. Specialized Loan Servicing LLC*, 280 F.Supp.3d 1349 (M.D. Fla. Nov. 30, 2017)
- *PNC Bank, Nat'l Ass'n v. Smith*, 225 So.3d 294 (Fla. 5th DCA June 16, 2017)
- *Brown v. Select Portfolio Servicing, Inc.*, 2017 WL 1157253 (S.D. Fla. Mar. 24, 2017)

- *Deutsche Bank Nat'l Trust Co. v. Diamond*, 2017 WL 587253 (M.D. Fla. Feb. 14, 2017)
- *Vetour v. PNC Bank N.A.*, 2017 WL 7733576 (S.D. Fla. Jan. 3, 2017)
- *Charles v. Deutsche Bank Nat'l Trust Co.*, 2016 WL 950968 (S.D. Fla. Mar. 14, 2016)
- *Sotomayor v. Deutsche Bank Nat'l Trust Co.*, 2016 WL 3163075 (S.D. Fla. Feb. 5, 2016)

presentations

"FCRA Compliance and Litigation Update: Received a Dispute - Call the "Suits"? And Other Questions From an Exciting Year of FCRA Litigation," 2023 Consumer Finance Legal Conference, October 12, 2023

"Class Action and Mass Arbitration Developments," 2023 Consumer Finance Legal Conference, October 12, 2023

"FCRA Compliance and Litigation Update: Received a Dispute, Better Call Saul," 2022 Consumer Finance Legal Conference, October 20, 2022

"Class Actions - Trends and Compliance Considerations," 2022 Consumer Finance Legal Conference, October 20, 2022

"Some Inconvenient Truth About Convenience (And Other Servicing) Fees," 2022 Consumer Finance Legal Conference, October 19, 2022

"Resolving Consumer Class and Mass Action Claims: Significant Issues and Considerations Explored" The Knowledge Group Webinar, June 15, 2022

"Federal Class Actions: How, When, and Whether to Raise Personal Jurisdiction and Article III Standing Defenses," Strafford Webinar, November 30, 2021

"FDCPA & Reg F: Vendor Management Post-Hunstein and New Rulemaking," 2021 Virtual Consumer Finance Legal Conference, October 15, 2021

"The Rise of FCRA Litigation: Trends, Updates, and Best Litigation Strategies Explored," The Knowledge Group webinar, July 20, 2021

"The CARES Act - Here Comes Year Two: The pandemic regulations are ending soon. So what do we do now?" McGlinchey Webinar, July 1, 2021

"How Can the FCRA Impact Your Business?" McGlinchey Deep Dive Webinar, May 20, 2021

"Consumer Class Action: Demystifying Trends, Developments, and Legal Challenges," The Knowledge Group webinar, May 13, 2021

"Consumer Class Action Trends and Developments: What You Need to Know and Do," The Knowledge Group webinar, March 30, 2021

"Is the TCPA Robocall Restriction Enforceable?" Client Webinar, December 3, 2020

"Credit Reporting in the Pandemic Era," Client Webinar, November 11, 2020

"The Evolving TCPA Landscape and Circuit Court Splits," 2020 Virtual Consumer Finance Legal Conference, October 9, 2020

"TCPA and the First Amendment," Texas Bar CLE's 6th Annual Course Advanced Consumer & Commercial Law, August 28, 2020

"Henson v. Santander: Impact on FDCPA Advice and Litigation, Update on State Collection Law," 16th Annual Consumer Finance Legal Conference, New Orleans, LA, October 12, 2017

published articles

Chapter Author, *Consumer Financial Services Answer Book (2024 Edition)*, PLI, August 1, 2023

"Gross v. CitiMortgage: An Expansion of the Duty to Investigate Under the FCRA," Conference on Consumer Finance Law (CCFL) Quarterly Report, Volume 74, Number 4, December 2022

"Third Circuit Adopts 'Reasonable Reader' Standard for Credit Report Accuracy," *ABA Business Law Today*, August Month-In-Brief: Business Regulation & Regulated Industries, September 1, 2022

"Courts Rule on Constitutionality of TCPA Robocall Restriction," *ABA Business Law Today*, November Month-In-Brief: Business Regulation & Regulated Industries, November 2020

"COVID-19 Foreclosure and Eviction Moratoria Status," *ABA Business Law Today*, May Month-In-Brief: Business Regulation & Regulated Industries, May 2020

"Navigating the FCRA in the heavy wake and possible undertow of the CARES Act changes to the FCRA," Westlaw's Consumer Financial Service Law Report, May 5, 2020

"Chapter 2: Federal Jurisdiction," *Business Litigation in Florida, Tenth Edition*, The Florida Bar, 2019

Co-author, "Chapter 3: Fair Credit Reporting Act" and "Chapter 11: Credit Cards," *Consumer Financial Services Answer Book (2020 Edition)*, PLI, October 17, 2019

"Credit Reporting Dispute Investigations in the Wake of Felts," ABA Business Law Section Consumer Financial Committee Newsletter, March 25, 2019