

Thomas M. Hanson



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education

University of California, Hastings College of the Law (J.D., *magna cum laude*)

- *Order of the Coif*

University of Michigan (B.A.)

admissions

Texas

Michigan

California

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Third Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Ninth Circuit

U.S. District Court for the Northern District of Texas

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

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

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

Every lawyer wants to win their client's lawsuit. More than that, though, I'm intellectually curious about my client's business, and I structure my litigation approach to what is most likely to lead to the client's long-term success. Often that means I deploy my go-to litigation style, one of controlled aggression. Other times, my calculations tell me to hit harder, which I do if it advances my clients' interests.

With a practice in complex litigation and class actions centered in Texas but extending across the nation, Thomas "Tom" M. Hanson represents clients in consumer financial services, mortgage lending, real estate, reverse mortgage lending, and an array of other industries. Tom counsels clients on matters involving consumer finance laws, mortgage fraud, land use and zoning, products liability, design defect, consumer protection, and business torts.

Tom's practice encompasses all aspects of civil litigation at the trial and appellate levels, including multidistrict litigation and alternative dispute resolution. Because he represents both defendants and plaintiffs, Tom gains valuable insight into the strategies of each side,

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

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

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Northern District of California

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

U.S. District Court for the Central District of California

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

industries

Financial Services

Real Estate

services

Appellate

Class Action Defense

Commercial Litigation

Consumer Financial Services Litigation

affiliations

Professional

- Dallas County Bar Association

Community

- Scio Township Board of Trustees, 2008–2009
- Scio Township Planning Commission, 2001–2008

enhancing his ability to outmaneuver opposing counsel in what are often high-stakes cases that take many twists and turns.

Tom advocates for litigants in a wide range of jurisdictions, which gives him a broad understanding of the dynamics of these various court systems. Clients benefit from this geographically diverse experience.

Recognizing the business pressures and budgetary constraints clients face, Tom always keeps close watch on their legal spend and works efficiently and collaboratively. In addition, because he knows clients worry about regulatory uncertainty, he stays abreast of proposed changes in Congress, the Consumer Finance Protection Bureau (CFPB), and other federal and state agencies. This allows him to help clients make the right moves to stay ahead of new laws, rules, and regulations that might affect them.

Tom is co-editor of *Consumer Financial Services Answer Book*, published annually since 2011. It provides practitioners with a core understanding of the laws governing consumer financial services and the latest developments in the field. It also helps keep Tom current on regulatory changes in this ever-evolving area.

Representative Matters

- *Livingston v. US Bank Nat'l Ass'n*, 2020 WL 1646741 (Tex. App.—Fort Worth April 2, 2020). In case of first impression, Court held that borrowers who had previously lost an offensive claim against mortgagee were barred by res judicata from asserting the invalidity of a lien under Texas Const. Art. XVI, Sec. 50(a)(6) as a defense to the mortgagee's subsequent judicial foreclosure action.
- *Priester v. JP Morgan Chase Bank, N.A.*, 927 F.3d 912 (5th Cir. 2019) ("*Priester II*") and *Priester v. Deutsche Bank Nat'l Trust Co.*, 832 Fed. Appx. 240 (5th Cir. 2020) ("*Priester III*"). In *Priester v. JP Morgan Chase Bank, N.A.*, 708 F.3d 667 (5th Cir. 2013) ("*Priester I*"), the 5th Circuit affirmed dismissal of the Priester's claims for violations of Texas Constitution Art. XVI, Sec. 50(a)(6) on statute of limitations grounds. The Texas Supreme Court overruled *Priester I* in *Wood v. HSBC Bank USA, N.A.*, 505 S.W.3d 542 (Tex. 2016), and the Priestesters sought to vacate the

original trial court judgment in *Priester I*. The District Court denied the motion, and the 5th Circuit affirmed in *Priester II*. The Priesters also filed a new lawsuit, which went to trial in the Eastern District of Texas. The Trial Court denied the Priester's claims and granted the mortgagor's counterclaim for judicial foreclosure, which judgment was affirmed in *Priester III*.

- *Lombardi v. Bank of America, N.A.*, 734 Fed. Appx. 257 (5th Cir. 2018), affirming judgment in favor of mortgage lender against plaintiff's claim that lender had waived its right to foreclose.
- *Mason v. Ocwen Loan Servicing, L.L.C.*, 740 Fed. Appx. 451 (5th Cir. 2018), affirming dismissal of claim against mortgage servicer alleging violation of the FDCPA and TILA.
- *Trimble v. OneWest Bank*, 2017 WL 3666519 (Tex. App.—Houston [14th Dist.] Aug. 24, 2017), affirming trial court's denial of petition in intervention filed by non-party assignee of original plaintiffs on grounds that the assignment was invalid because it permitted assignee to engage in the unauthorized practice of law.
- *Jatera Corp. v. U.S. Bank Nat'l Ass'n*, 917 F.3d 831 (5th Cir. 2019). In case of first impression, the Fifth Circuit held that Texas law does not recognize a "detrimental reliance" exception to a mortgagee's unilateral right to rescind its prior acceleration of a mortgage loan.
- *Casterline v OneWest Bank, FSB*, 2018 WL 1755821 (Tex. App.—Corpus Christi, April 12, 2018). The court affirmed the trial court's judgment in mortgage servicer's favor, rejecting borrower's claim that servicer was barred from foreclosure due to statute of limitations.
- *Smith v. Barret Daffin Frappier Turner & Engel, L.L.P.*, 735 Fed. Appx. 848 (5th Cir. June 12, 2018), affirming district court's denial of Plaintiff's motion to remand to state court.
- *Sims v. RoundPoint Mortgage Servicing Corp.*, 760 Fed. Appx. 306 (5th Cir. 2019), affirming summary judgment in mortgage servicer's favor on claims for violations of RESPA, the FDCPA, and the TDCA, as well as failure to foreclose within the statute of limitations.
- *Trimble v. Federal National Mortgage Ass'n*, 516 S.W.3d 24 (Tex. App.—Houston [1st Dist.] 2016), affirming summary judgment in favor of purchaser at foreclosure sale in forcible detainer action against occupants who refused to vacate property following foreclosure sale.
- *Washington-Jarmon v. OneWest Bank, FSB*, 513 S.W.3d 103 (Tex. App.—Houston [14th Dist.] 2016), on a reverse mortgage, rejecting claim by non-borrower spouse that

mortgage servicer violated Texas Constitution and Property Code by initiating foreclosure proceedings following death of the borrower.

- *Larsen v. OneWest Bank, FSB*, 2015 WL 6768722 (Tex. App. – Houston [14th Dist.] Nov. 5, 2015), affirming summary judgment against non-borrower spouse to reverse mortgage and holding that homestead rights may be waived under Texas law.
- *Lamell v. OneWest Bank, FSB*, 485 S.W.3d 53 (Tex. App. – Houston [14th Dist.] 2015), affirming in part summary judgment in favor of mortgage servicer and rejecting borrower's claims based on lack of standing to foreclose and alleged breach of securitization agreement.
- *Davis v. OneWest Bank, N.A.*, 2015 WL 1623541 (Tex. App. – Fort Worth April 9, 2015), affirming summary judgment in favor of reverse mortgage servicer and holding that unjust enrichment does not constitute an independent cause of action under Texas law.
- *Wagner v. Citimortgage, Inc.*, 995 F.Supp.2d 621, (N.D. Tex. 2014), granting motion for summary judgment in case challenging defendant's right to foreclose on residential property.
- *Mathis v. DCR Mortgage III Sub I, LLC, et al.*, 952 F.Supp.2d 828 (W.D. Tex., 2013), granting in part defendants' motion to dismiss in case alleging fraud, forgery, wrongful foreclosure, breach of contract, negligence and civil conspiracy arising out of foreclosure of commercial property.
- *Steele v. Quantum Servicing Corp.*, 2013 WL 3196544 (N.D. Tex. June 25, 2013), denying plaintiff's motion to vacate judgment relating to claims brought under Real Estate Settlement Procedures Act.
- *Mathis v. DCR Mortgage III Sub I, LLC, et al.*, 942 F.Supp.2d 649 (W.D. Tex., 2013), denying plaintiff's motion to remand following defendants' removal of action arising out of foreclosure of commercial property.
- *Jaimes v. Federal National Mortgage Association, et al.*, 930 F.Supp.2d 692 (W.D. Tex. 2013), granting Defendants' Motion to Dismiss claims for breach of contract, violation of the Texas Property Code, violation of the Texas Debt Collection Practices Act, violation of the Texas Deceptive Trade Practices Act, illegal collection of mortgage payments, violation of the Texas Civil Practice & Remedies Code, and to quiet title, in case arising out of Defendants' foreclosure of Plaintiff's property.
- *Fugues v. Southwest Financial Services, Ltd.*, 707 F.3d 241 (3rd Cir. 2012) (representing amicus curiae Consumer

Data Industry Association), affirming summary judgment in favor of defendant seller of property search reports and holding that defendant did not willfully violate the Fair Credit Reporting Act because defendant's interpretation of FCRA was not "objectively unreasonable."

- *Steele v. Quantum Servicing Corp., et al*, 2012 WL 5987685 (N.D.Tex. Nov. 30, 2012) granting defendants' Motion to Dismiss without leave to amend in action alleging improprieties in residential foreclosure.
- *Cook-Bell v. Mortgage Electronic Registration Systems, Inc., et al.*, 868 F. Supp. 2d 585, (N.D.Tex. 2012) granting Defendants' Motion to Dismiss claims for fraud, conspiracy, unfair debt collection practices, and to quiet title in residential mortgage foreclosure case.
- *Tyler v. Citi-Residential Lending, Inc.*, 812 F. Supp. 2d 784 (N.D. Tex. 2011), aff'd 485 Fed. Appx. 700 (5th Cir. 2012), granting summary judgment in favor of residential mortgage servicer in action alleging wrongful foreclosure, breach of loan modification agreement, and bad faith servicing practices.
- *Kimbrew v. Fremont Reorganization Corp.*, 2008 WL 5975803 (C.D. Cal. Nov. 17, 2008). Dismissing claims as time-barred in putative class action alleging racial discrimination in pricing of mortgage products; in particular, the Court rejected Plaintiffs' claims (adopted by other courts) that claims were timely under "continuing violations" theory.
- *Munoz v. Financial Freedom Senior Funding Corp.*, 573 F. Supp. 2d 1275 (C.D. Cal. 2008) ("Munoz II"). Finding claims preempted under HOLA and dismissing complaint without leave to amend in putative nationwide class action alleging fraud, elder abuse, breach of fiduciary duty and other state law claims arising from defendant's alleged sales and disclosure practices.
- *Murray v. New Cingular Wireless et al; Bruce v. KeyBank N.A.*, 523 F.3d 719 (7th Cir. 2008). Broadly rejecting "firm offer" FCRA lawsuits based on theory that mailings lacked value or that law requires all material terms in the initial mailer. This ruling effectively overrules *Cole v. U.S. Capital* (7th Cir. 2004).
- *Cedeno v. Indymac Bancorp, Inc.*, 2008 WL 3992304 (S.D.N.Y. Aug. 26, 2008). Dismissing putative nationwide class action alleging illegal and deceptive appraisal practices based on HOLA preemption.
- *Sweet Air Investment, Inc. v. Kenny, et al.*, 275 Mich. App. 492 (May 15, 2007). Reversing judgment of trial court and

remanding with instructions to enter judgment of possession in favor of plaintiff.