StradleyRonon

Walter J. Buzzetta

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Walter Buzzetta concentrates his practice on consumer lending and financial services litigation with a primary focus on claims against financial services companies, including claims under the Fair Debt Collection Practices Act (FDCPA), Fair Credit Reporting Act (FCRA), Truth in Lending Act (TILA) and Real Estate Settlement Procedures Act (RESPA), as well as class action, civil RICO, deceptive trade practices, fraud and antitrust challenges.

Walter is well-versed in counseling financial services companies on strategic planning, risk assessment, regulatory compliance and dispute resolution. Walter also represents clients in resolving contested lien priorities, chain of title issues, and title insurance disputes.

Walter is also highly knowledgeable in representing institutions in reinsurance and insurance coverage actions in both court and arbitration. Walter has experience litigating coverage disputes involving property and casualty, asbestos, silica, mass tort, environmental pollution, healthcare, commercial accident and products liability. This experience includes litigating the number of occurrences, exclusionary provisions, documentation requirements, allocation, notice, intermediary roles, underwriting intent, misrepresentation, material nondisclosure and rescission.

Prior to joining Stradley Ronon, Walter was senior counsel at MERSCORP Holdings Inc., where he focused on financial services, mortgage and lending litigation, and regulatory compliance. At MERSCORP Holdings, he litigated disputes on behalf of Mortgage Electronic Registration Systems (MERS) and the largest U.S. mortgage lenders and servicers nationwide, including directing numerous successful appeals to federal circuit courts of appeal and state supreme courts.

Featured Representative Matters

- In arbitration, defeated consumer claims against an auto lender arising out of the purchase of a used vehicle and obtained judgment on counterclaim for outstanding balance of loan.
- Obtained voluntary dismissal of complaint alleging FDCPA violations against a student loan servicer where the servicer was the originating lender and thus not a debt collector under the FDCPA. (*Ruseski v. Sallie Mae*, U.S. District Court for the Western District of Pennsylvania)
- Obtained order after an evidentiary hearing before the Office of Administrative

Services

- Consumer Financial Services Litigation
- Complex Commercial & Class Action Litigation
- Compliance Counseling
- Financial Services
- Financial Services Litigation & Enforcement
- Insurance & Reinsurance
- Litigation
- Trial Practice

Education

- Duke University School of Law (J.D.)
- Southern Methodist University (B.A.)

Admissions

- Virginia
- District of Columbia
- Maryland
- New Jersey
- Pennsylvania

Hearings affirming a Maryland Insurance Administration investigation finding an insurer did not violate the Maryland Insurance Article in the denial of a claim. (*Maryland Insurance Administration ex rel. T.W. v. UnitedHealthcare Insurance)*

- Defended a client against an amended complaint alleging Telephone Consumer Protection Act (TCPA), FDCPA, Texas Debt Collections Act, deceptive trade practices, invasion of privacy and electronic trespass to chattel arising from telephone calls concerning outstanding student loans. The court granted partial motion to dismiss for failure to state a claim on all claims excluding the TCPA. (*Griffith v. Navient Solutions,* U.S. District Court for the Western District of Texas)
- Obtained summary judgment in case alleging RESPA and FDCPA violations against a loan servicer arising from a belief that the plaintiffs' servicer had improperly billed escrow. The court granted summary judgment in favor of the servicer finding that there was no error in the escrow accounting. (*Zinetti v. Deutsche Bank National Trust,* U.S. District Court for the District of Delaware)
- Secured motion-to-dismiss win for failure to state a claim in connection with a complaint alleging a student loan servicer's communications concerning a loan constituted intentional infliction of emotional distress. (*Yilma-Kassaye v. Sallie Mae Bank,* U.S. District Court for the Eastern District of Virginia)
- Defended the Archdiocese for the Military Services and an archbishop against claims that the revocation of faculties and endorsement from a visiting priest violated federal law. The court granted the motion to dismiss for both lack of subject-matter jurisdiction and failure to state a claim. (*Iwuchukwu v. Archdiocese for the Military Services*, U.S. District Court for the District of Columbia)
- Defended a mortgage servicer against claims for alleged TILA and Fair Housing Act (FHA) violations. The court granted motion to dismiss for failure to state a claim for the alleged statutory claims, finding the plaintiffs had failed to allege either disparate treatment or disparate impact supporting their FHA claim. (*Bailey v. PHH Mortgage*, U.S. District Court for the District of Maryland)
- Defended a real estate wholesaler in a putative class action against claims that text messages offering to purchase homes were solicitations under the Virginia Telephone Privacy Protection Act. On a matter of first impression, obtained a favorable ruling on a motion to dismiss that an offer to purchase real estate was not a solicitation under the statute. (*Cavey v. MarketPro Homebuyers*, U.S. District Court for the Eastern District of Virginia)
- Litigated a quiet title action seeking to strike a false Uniform Commercial Code (UCC) statement and multiple lis pendens filed by a pro se borrower. The court awarded summary judgment finding the borrower lacked a basis to file the UCC financing statement, and the lis pendens should be released since the underlying actions had concluded. The decision was affirmed by the U.S. Court of Appeals for the Fourth Circuit. (*Deutsche Bank National Trust v. Fegely*, U.S. District Court for the Eastern District of Virginia)
- Defended claims against the Southern Baptist Convention that it was liable for acts of a volunteer youth minster at a local church. Obtained an order granting motion to dismiss for lack of personal jurisdiction and denying the plaintiff's motion to compel jurisdictional discovery. (*J.W.C. v. Immanuel Baptist Church,* Circuit Court for the County of Chesterfield, Virginia)
- Represented the servicer in a complaint by a borrower alleging violations of the federal TCPA, Maryland TCPA, FDCPA, Maryland Consumer Debt Collection Act (MCDCA) and RESPA. The court granted partial motion to dismiss concerning the FDCPA, MCDCA and RESPA claims, finding that they were subject to res judicata as the borrower could have alleged them in prior state foreclosure proceedings. (*Osowiecki v. Ocwen Loan Servicing*, U.S. District Court for the District of Maryland)
- Defended against a quiet title action wherein the heirs of a borrower alleged the issuance of IRS Form 1099-C was sufficient evidence of cancellation of debt. The court granted the motion for summary judgment in favor of the mortgage servicer,

- U.S. Court of Appeals for the Third Circuit
- U.S. Court of Appeals for the Fourth Circuit
- U.S. Court of Appeals for the District of Columbia Circuit
- U.S. District Court for the District of Colorado
- U.S. District Court for the District of Columbia
- U.S. District Court for the District of Maryland
- U.S. District Court for the Eastern District of Michigan
- U.S. District Court for the District of New Jersey
- U.S. District Court for the Eastern District of Virginia
- U.S. District Court for the Eastern District of Pennsylvania
- U.S. District Court for the Western District of Pennsylvania
- U.S. District Court for the Western District of Virginia
- U.S. Bankruptcy Court for the Western District of Virginia
- U.S. Bankruptcy Court for the Eastern District of Virginia

finding a 1099-C form alone is not sufficient to establish cancellation of debt. (*Newton v. Beneficial Financial I*, U.S. District Court for the Western District of Virginia; Fourth Circuit affirmed)

- Represented client in the plaintiff's appeal of a district court decision that she lacked standing to challenge the ratification of a foreclosure sale, as she lacked evidence she was the personal representative of the borrower. The appellate court affirmed the order by per curiam opinion. (*Baird-Alleyne v. Ward*, Court of Special Appeals of Maryland)
- Represented the servicer in a complaint by a borrower alleging that the servicer breached the deed of trust by failing to offer a face-to-face meeting under U.S. Department of Housing and Urban Development requirements prior to foreclosure. The court sustained demurrer arguing the plaintiff had not alleged a basis to set aside the foreclosure sale and the servicer had satisfied foreclosure requirements via a letter offering meeting. (*Cephas v. U.S. Bank*, Circuit Court of Northampton County, Virginia)

Recognitions

- Pro Bono Service Award, Duke Law School
- Pro Bono Service Award, North Carolina Bar Association

Featured Speaking Engagements

- Presenter, "The Latest in Foreclosures and Loan Modifications," Rossdale CLE
- Presenter, "The FDCPA Bible: Knowing Your Rights and Avoiding Litigation," Lorman Education Services
- Presenter, "Current Trends in Contested Foreclosure Litigation," MyLaw CLE
- Presenter, "Foreclosures & Loan Modifications," Rossdale CLE
- Presenter, "Understanding the FCRA and FACT Act in Collections," Lorman Education Services
- Presenter "Collections Communications: What You Can and Cannot Legally Say," Lorman Educational Services
- Presenter, "Mastering Evictions & Foreclosures: Protections on COVID-19 Moratorium & Executive Orders CLE," Rossdale CLE
- Presenter, "Foreclosure, Eviction and Bankruptcy Issues During the COVID-19 Pandemic," Rossdale CLE
- Presenter, "Mastering Foreclosure Law & MERS," Rossdale CLE
- Presenter, "State-by-State Survey on Important Case Law, Litigation Trends, New Statutes, Statute of Limitations Issues and More," American Conference Institute (ACI)'s National Forum on Residential Mortgage Regulatory Enforcement & Litigation
- Panelist, "Mortgage Servicer Roundtable," ACI's Bank & Non-Bank Mortgage Servicing Compliance Forum
- Presenter, "Establishing Standing, Defending Against Persisting Claims Relating to MERS, Overcoming Contested Foreclosures and Responding to Borrower Counterclaims and Stall Tactics," ACI's National Forum on Residential Mortgage Regulatory Enforcement & Litigation
- Presenter, "Residential Mortgages: Assessing the Impact of *Jesinoski*, Litigation Trends Relating to Loan Mods, Loan Servicing, Lender-Placed Insurance, RMBS, and More Foreclosure Challenges Tied to Statute of Limitations, and the Ongoing Impact of the CFPB's Mortgage Rules," ACI's Consumer Finance Class Actions & Litigation National Conference

Experience

Successful Motion To Dismiss on First Amendment Grounds for the Archdiocese of Military Services

Stradley Ronon represented the Archdiocese of Military Services (AMS), which serves as the “ecclesiastical endorser” for chaplains in military bases, Veterans Administration (VA) hospitals and foreign service sites around the globe, and Archbishop Broglio in a case where the plaintiff had his permission to serve as a chaplain revoked by AMS. In a well-reasoned opinion, the U.S. District Court for the District of Columbia granted a motion to dismiss on First Amendment grounds with prejudice and without leave to amend.