



## Noah Schottenstein

Senior Attorney

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Noah Schottenstein is a former Trial Attorney with the US Department of Justice and a former Assistant United States Attorney for the Western District of Texas. He is an experienced litigator who has represented the United States in over 25 different federal trial and appellate courts. He has also worked with senior government officials at all stages of enforcement matters, from investigations through trials, appeals, and at the US Supreme Court.

Noah started his legal career through the DOJ Honors Program in Washington DC. While there, Noah worked on the Mortgage Fraud Task Force, the US\$25 billion National Mortgage Settlement, the National Mortgage Settlement Oversight Committee, SIGTARP oversight, and other investigations and litigation involving financial fraud, public integrity, and consumer protection matters of national importance. In handling these matters, Noah was routinely called upon to advise senior DOJ officials, supervise nationwide litigation efforts, and coordinate with representatives from other federal agencies, including the Federal Trade Commission and the Consumer Financial Protection Bureau.

As an Assistant United States Attorney, Noah was responsible for investigating and litigating matters including healthcare fraud under the False Claims Act, Anti-Kickback Statute, and Stark Law; regulatory enforcement actions; and lawsuits filed against the government under the Federal Tort Claims Act and the Administrative Procedure Act.

Noah also has significant experience with restructuring matters. While at the DOJ, he represented the interests of the United States and various federal agencies in bankruptcy litigation. In private practice, he has primarily represented energy sector clients, including upstream, midstream, oilfield services, and generation companies.

## EXPERIENCE

### Government Enforcement Experience

- Supervised nationwide, multi-district litigation against national banks and mortgage servicers that resulted in the US\$25 billion National Mortgage Settlement

## RELATED SERVICES

- Litigation, Arbitration and Investigations
- White Collar and Corporate Crime
- Global Governance and Compliance
- Mergers and Acquisitions
- Restructuring

## RELATED SECTORS

- Healthcare
- Financial Services

- Assisted with joint DOJ-FTC case asserting UDAP claims against Bank of America that resulted in a US\$108 million settlement
- Advised senior government officials on civil enforcement actions against financial institutions for false claims and fraud on government sponsored entities
- Assisted with multi-agency fraud investigation into mortgage securitization practices
- Led multi-district health care fraud investigation concerning over US\$100 million in claims by a provider group
- Assisted with False Claims Act case against a compounding pharmacy that resulted in US\$22.5 million settlement
- Assisted with False Claims Act case against furniture importer for evading anti-dumping claims
- Prosecuted bankruptcy and investment fraud scheme targeting immigrant communities
- Assisted with multi-jurisdictional case against mortgage servicer for fraudulent endorsements of loan documents.
- Assisted with pension fund fraud investigations
- Represented the United States in numerous bankruptcy cases, including Solyndra, Lehman Brothers, AMR, Kodak, Yellowstone Club, and ASARCO
- Assisted the Office of the Solicitor General with over a dozen matters before the Supreme Court

### **Restructuring Experience**

- Represented New Gulf Resources, an E&P company with assets primarily in the Eagle Ford shale formation, in its chapter 11 bankruptcy proceedings
- Represented Global Geophysical Services, an international oil and gas seismic services provider, in its chapter 11 bankruptcy proceedings
- Represented an offshore E&P company in connection with its out-of-court restructuring
- Represented a private integrated upstream/midstream company in connection with its out-of-court restructuring
- Represented Hunt Consolidated in the sale of its interest in Oncor Electric Delivery through the Energy Future Holdings chapter 11 bankruptcy proceedings
- Represented NRG Energy in the acquisition of SunEdison's distributed generation portfolio, which received the *Power Finance & Risk Award* for North America Power M&A Deal of 2016;
- Represented NRG Energy in connection with the chapter 11 bankruptcy of its subsidiary, GenOn Energy, including the successful defense of a \$620m fraudulent transfer claim
- Represented ConocoPhillips in appeal before the Texas Supreme Court concerning successor liability and the assumption of contracts under 11 U.S.C. § 365
- Represented various creditors in defending fraudulent transfer and preference claims

## **CREDENTIALS**

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### **Admissions**

- Texas
- Virginia

### **Education**

- J.D., University of Virginia School of Law
- B.A., The Ohio State University

### **Courts**

- All Texas state courts
- All Virginia federal and state courts

- All Washington, DC federal and state courts
- United States Court of Appeals for the Fifth Circuit
- United States Court of Appeals for the Fourth Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Tenth Circuit
- United States District Court for the District of Colorado
- United States District Court for the Eastern District of Virginia
- United States District Court for the Northern District of Texas
- United States District Court for the Southern District of Ohio
- United States District Court for the Southern District of Texas
- United States District Court for the Western District of Oklahoma
- United States District Court for the Western District of Texas

## INSIGHTS

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### Publications

#### **Office of the Comptroller of the Currency pauses Fair Access to Financial Services Rule**

22 January 2021

Key details and implications.

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#### **Consumer finance regulatory and litigation landscape for 2021**

21 January 2021

In 2021, the sector may have to reckon with troubled assets while operating in a business environment that may never return to many pre-pandemic practices.

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#### **Consumer Finance Regulatory News and Trends**

12 January 2021

Consumer Finance Regulatory News and Trends

CFPB's Taskforce on Federal Consumer Financial Law publishes report and recommendations.

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#### **Consumer Finance Regulatory News and Trends**

15 December 2020

Consumer Finance Regulatory News and Trends

The OCC has issued a final rule that determines when a national bank or federal savings association makes a loan and is the "true lender," including in the context of a partnership between a bank and a third party.

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#### **CMS, OIG finalize Stark and AKS overhaul – paving the way for value-based care**

25 November 2020

We highlight some of the most important ways in which HHS followed through on its ideas from 2019, as well as the instances where they pivoted in reaction to public comments.

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### **Consumer Finance Regulatory News and Trends**

18 November 2020

Consumer Finance Regulatory News and Trends  
CFPB issues rule implementing the Fair Debt Collection Practices Act.

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### **Consumer Finance Regulatory News and Trends**

13 October 2020

Consumer Finance Regulatory News and Trends  
CFPB seeks comments on potential changes to Regulation B.

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### **California enacts consumer financial protection legislation and establishes the Department of Financial Protection and Innovation**

5 October 2020

Along with the creation of California's financial services regulator, this new legislation will greatly expand regulation of consumer financial services providers in California.

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### **Consumer Finance Regulatory News and Trends**

28 August 2020

Consumer Finance Regulatory News and Trends  
CFPB issues RFI on Equal Credit Opportunity Act and Regulation B.

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### **The new trend of "superpriority" rescue financings: Implications for existing priority creditors**

14 July 2020

"Superpriority" debt circumvents protections in the credit agreement that typically require the consent of any adversely affected lender.

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### **SEC issues risk alert on private fund abuses**

8 July 2020

Activity by the Enforcement Division tends to follow OCIE's leadership on issues of concern.

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### **Supreme Court finds the restriction on removal of the Consumer Financial Protection Bureau's single director unconstitutional, but leaves the bureau operational**

7 July 2020

The decision also throws into question the investigative and enforcement actions of the CFPB to date.

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### **SEC settles *Lucia* enforcement action**

22 June 2020

Questions remain following Supreme Court decision concerning the Appointments Clause of the Constitution and who constitutes an "Officer of the United States" for the purposes of complying with that constitutional provision.

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### **DOJ increasing scrutiny on coronavirus-related provider fraud**

22 May 2020

Recent enforcement activity is focusing on providers, particularly on telemedicine companies.

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### **Coronavirus, subscription credit lines and private equity funds – oh my!**

11 May 2020

Understanding the enhanced risk of using an SCL in an uncertain environment.

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## **NEWS**

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### **MEDIA MENTIONS**

- "FTS Ch. 11 Plan OK'd After Fracking Sand Supplier Deal," *Law360*, November 4, 2020