



### Isabelle Ord

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Isabelle Ord is a trial lawyer who resolves complex and high-stakes disputes for national and international businesses and financial institutions. She is the co-chair of DLA Piper's Class Action Litigation practice.

Her experience includes defending class actions and other complex business disputes involving unfair competition (B&PC 17200), false advertising (B&PC 17500), the Consumer Legal Remedies Act (Civil Code 1750), fraud, breaches of fiduciary duty, Ponzi scheme and investment fraud, and lender liability. She also prosecutes claims for financial institutions and businesses, including credit recovery, loan participation and fraud claims.

Isabelle was the 2013 president of the San Francisco Bank Attorneys Association and 2012 chair of the California State Bar's Business Law Section Financial Institutions Committee.

She is a former Captain in the United States Army Reserve, Judge Advocate General's Corps, and a paratrooper.

- Litigation, Arbitration and Investigations
- Financial Services Regulatory
- Class Actions

## REPRESENTATIVE CLASS ACTION LITIGATION

- *Kelly v. BP West Coast Products, LLC (Eastern District of California)*: Obtained dismissal of class action asserting violations of B&PC 17200 (unfair competition) and Consumer Legal Remedies Act at motion to dismiss stage for failure to state a claim regarding debit card service fees. *Kelly v. BP West Coast Products, LLC, Slip Copy*, 2014 WL 7409220 (E.D. Cal.)
- *DeBolt v. Tesoro West Coast Company, LLC, et al. (Central District of California)*: Obtained dismissal of class action asserting violation of "unlawful" prong of B&PC 17200 by motion to dismiss for failure to state a claim regarding purportedly unlawful debit card fees
- *Deffenbaugh v. EDebitPay, LLC, et al. (Northern District of California)* and two related cases, *White v. EDebitPay, LLC, et al. (Central District of California)*, and *Marsh v. Zaazoom Solutions, LLC, et al., (Northern District of California)*: Defended class actions asserting aiding and abetting, B&PC 17200 - unfair competition and negligence claims against First Bank of Delaware as depository bank for

remotely created checks generated by check processors for Internet merchants. *Marsh v. Zaazoom Solutions, LLC*, Slip Copy, 2012 WL 6522749 (N.D.Cal.) (dismissing aiding and abetting and unfair competition claims against the bank)

- *Guenther v. CrossCheck, Inc.* (Sonoma County Superior Court): Defended check guarantee company in class action alleging claims for B&PC 17200 - unfair competition, violations of the Electronic Funds Transfer Act (EFTA) and civil RICO arising from collection of fees after cancellation or termination of service
- *Oshaben v. Monster Worldwide, Inc.* (San Francisco Superior Court): Defended class action asserting violations of B&PC 17500- false advertising, Consumer Legal Remedies Act and the EFTA, breach of contract, breach of the implied covenant of good faith and fair dealing and B&PC 17200 - unfair competition arising from Tickle.com website negative option subscription contract
- *Zintel, et al. v. Regal Entertainment Group* (Central District of California). Defended class action against national movie theatre chain for violations of EFTA based on alleged failure to post notice of fees at ATM machines
- *Stock v. Hafif* (Los Angeles Superior Court): Prosecution of claims through trial and appeal regarding apportionment of class action attorney fees

## REPRESENTATIVE BANKING AND FINANCIAL SERVICES LITIGATION

- *Trustees of the Automobile Mechanics Local No. 701 Pension and Welfare Funds v. Union Bank of California* (Northern District of Illinois) and related cases, *The Board of Trustees of the California Winery Workers' Pension Trust Fund v. Union Bank, N.A.* (Northern District of California) and *Brethren Foundation, Inc., et al. v. Union Bank, N.A.* (San Francisco Superior Court): Defended Union Bank in three complex disputes involving securities lending losses arising from the failure of Lehman Brothers
- *Bank of New York Mellon, et al. v. Mortgage Resolution Partners L.L.C., et al.* (Northern District of California): Amicus Curie to California Bankers Association in support of motions to dismiss relating to City of Richmond's scheme to seize underwater mortgages by eminent domain
- *Casey v. U.S. Bank National Association* (Orange County Superior Court): Defended Wells Fargo Bank, N.A. against a US\$17 million aiding and abetting claim by the Chapter 7 Trustee of DFJ Italia, Inc., an investment fraud Ponzi scheme. *Casey v. U.S. Bank, National Association*, 127 Cal.App.4th 1138 (2005) (limiting aiding and abetting liability of banks)
- *Islands of Johnson Creek, LLC v. Wells Fargo Bank, N.A.* (Orange County Superior Court): Defended a bank in a US\$6 million fraud and misappropriation of a wire transfer dispute defeating speculative lost profits damages, achieving a mid-trial settlement
- *PKK Investments, LLC v. American Commercial Capital, LLC* (Orange County Superior Court): Defended a commercial lender (later acquired by Wells Fargo Bank, N.A.) against claims arising from alleged breach of US\$8 million loan commitment
- *Arora v. Union Bank Investment Services, Inc.* (Alameda County Superior Court): Defended a broker-dealer against fraud and related claims arising from a bank customer's purchase of a welfare benefit plan as a tax shelter. The customer was audited by the IRS and the plan was disallowed. The case was settled at mediation
- *Bovee v. Bank of America NT & SA* (Orange County Superior Court): Defended a bank in a fraud action arising from claims of mismanagement of trust assets by two brothers for whom the bank managed investments for more than 20 years after the death of their mother. The case was favorably settled in mediation
- *Chevron U.S.A., Inc. v. MAC Partners, et al.* (Orange County Superior Court): Defended Wells Fargo Bank, N.A. (successor to North County Bank) in a wrongful foreclosure action involving commercial real estate and alleged future lost profits.

## REPRESENTATIVE CREDIT RECOVERY LITIGATION

- *In re Cheri and Thomas Fu* (Bankruptcy Court, Central District, Santa Ana): Represented Petitioning Creditors Bank of America, N.A. and Far East National Bank in involuntary bankruptcy proceeding against individual guarantors of trade finance banking facilities in the United States and Hong Kong and in subsequent chapter 7 proceedings
- *In re Galleria USA, Inc.* (Bankruptcy Court, Central District, Santa Ana): Represented lenders Bank of America, N.A. and Far East National Bank in claims and bankruptcy proceedings
- *LaSalle Business Credit v. Chinatrust Bank (U.S.A.)* (Los Angeles Superior Court): Obtained a US\$17 million jury verdict, recovering losses of takeout lender for fraud by concealment due to non-disclosure of material negative information about the borrower
- *Overseas Chinese Banking Corporation Ltd. v. Suyanto* (Orange County Superior Court): Obtained summary judgment against a guarantor of commercial facilities in Singapore for US\$18 million and judgment against the guarantor's spouse after a two-week bench trial involving fraudulent transfers to the spouse and her family trust

## REPRESENTATIVE BUSINESS LITIGATION

- *LAN Systems PTY LTD v. Alcatel Internetworking, Inc.* (Central District of California): Defense of claims regarding sales and marketing practices
- *Western Filter Corp. v. Argan, Inc.* (Central District of California): Prosecution of claims regarding alleged non-disclosures in sale of aerospace company
- *Peterson v. CMA CGM, et al.* (Northern District of California): Defense of enforcement of a multi-billion dollar foreign judgment via purported assignment of right to payment for various tariffs and purchases of bunkered oil outside the United States
- *Applera Corp. v. Beckman Coulter, Inc.* (San Francisco Superior Court): Defense of claims relating to sublicense royalties
- *E-Pass Technologies, Inc. v. Moses & Singer, LP* (San Francisco Superior Court): Defense of claims for negligent misrepresentation and breach of fiduciary duty regarding loss of patent infringement dispute
- *Ambriz v. Kelegian, et al.* (San Diego Superior Court): Defense of attorney malpractice claims relating to loss of underlying premises liability case at summary judgment

## CREDENTIALS

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### Admissions

- California
- District of Columbia

### Education

- J.D., Georgetown University Law Center 1998  
*American Criminal Law Review*  
Georgetown Criminal Justice Clinic
- B.A., University of California, Santa Barbara 1995  
*with honors*

### Courts

- All California federal district courts
- All California state courts
- Supreme Court of the United States
- United States Court of Appeals for the Ninth Circuit

### Memberships

- San Francisco Bank Attorneys Association (Past President)
- Advisor, California State Bar Financial Institutions Committee (Past Chair)
- 2013-2016 Executive Committee, California State Bar Business Law Section (Former Legislative Chair)
- Sustainer, Junior League of San Francisco, Inc.
- St. Thomas More Society of San Francisco (Past President)

## INSIGHTS

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### Publications

**CFPB issues \$191 million enforcement action regarding overdraft fees on Authorized Positive-Settle Negative debit card transactions**

28 September 2022

Institutions that charge overdraft fees on Authorized Positive-Settle Negative transactions are encouraged to promptly evaluate their practices.

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

23 August 2022

Consumer Finance Regulatory News and Trends

CFPB and OCC announce \$225 million fine against national bank over administration of state unemployment benefits during pandemic.

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## **Legal Services Corporation Veterans' Task Force**

6 July 2022

In 2021, the Legal Services Corporation (LSC) convened a Veterans' Task Force to address legal issues veterans often face upon leaving active duty and which create barriers to a successful transition to civilian life.

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

21 June 2022

Consumer Finance Regulatory News and Trends

CFPB announces a new inquiry into employer-driven debt products and practices.

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## ***Javier v. Assurance IQ, LLC et al.*: Ninth Circuit issues ruling in session-replay case**

14 June 2022

The ruling leaves open a host of questions about the viability of session-replay cases under state wiretapping statutes.

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## **Global Perspectives on Class Actions**

5 May 2022

Global perspectives on class actions from our jurisdictions around the country.

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

11 March 2022

Consumer Finance Regulatory News and Trends

CFPB issues compliance bulletin on illegal auto reposessions.

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## **President Biden's Executive Order on Ensuring Responsible Development of Digital Assets: Consumer protection implications, and 3 steps for digital asset issuers**

11 March 2022

Digital assets, the Order states, have "profound implications for the protection of consumers."

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## Consumer Finance Regulatory News and Trends

19 January 2022

Consumer Finance Regulatory News and Trends

CFPB files complaint against debt buyers for debt-placement practices.

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## Consumer Finance Regulatory News and Trends

19 November 2021

Consumer Finance Regulatory News and Trends

CFPB announces \$2.7 million settlement with reverse mortgage lender.

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## Consumer Finance Regulatory News and Trends

19 October 2021

Consumer Finance Regulatory News and Trends

CFPB announces \$2.7 million settlement with reverse mortgage lender.

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## Consumer Finance Regulatory News and Trends

13 September 2021

Consumer Finance Regulatory News and Trends

OCC and DOJ announce US\$3 million penalty against bank for FHA violations.

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## Consumer Finance Regulatory News and Trends

3 August 2021

Consumer Finance Regulatory News and Trends

CFPB announces \$150,000 settlement with debt-relief companies for deceptive acts or practices.

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## "No concrete harm, no standing": Supreme Court issues major Article III standing opinion in *TransUnion v. Ramirez*

29 June 2021

Given the proliferation of class-actions alleging purely procedural statutory violations, the ruling is likely to have far-reaching consequences.

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## Interagency Initiative spotlights fair lending compliance in home appraisals

28 June 2021

Increased scrutiny of lenders' appraisal compliance practices is likely.

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## Consumer Finance Regulatory News and Trends

14 June 2021

Consumer Finance Regulatory News and Trends

OCC releases Community Reinvestment Act evaluations.

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## Consumer Finance Regulatory News and Trends

12 May 2021

Consumer Finance Regulatory News and Trends

CFPB delays mandatory compliance date for General Qualified Mortgage Final Rule.

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## FTC's \$9.8 million settlement holds firm and its principals liable for "consumer protection" violations in transactions with small businesses

6 May 2021

The settlement is notable for two reasons.

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## Expanding the scope of deception? Key questions and takeaways from the CFPB's recent settlements with SettleIt and Nationwide Equities Corporation

5 May 2021

The settlements shine a light on the Bureau's potential strategy for enforcing the Dodd-Frank prohibition against deception.

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## Second Circuit sets standing threshold for data-breach class actions

30 April 2021

The court ruled there are limits to the "increased-risk" theory of standing.

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## Consumer Finance Regulatory News and Trends

5 April 2021

Consumer Finance Regulatory News and Trends

CFPB issues warning to mortgage servicers.

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## Consumer Finance Regulatory News and Trends

11 March 2021

Consumer Finance Regulatory News and Trends

CFPB finalizes rule exempting certain financial institutions from higher-priced mortgage loan escrow account requirement.

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## **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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## **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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## **The gathering storm: COVID-19-related disputes in the financial services sector – A transatlantic perspective**

5 October 2020

COVID-19 has caused the largest shock to the global economy in living memory. Whilst economic uncertainty, financial distress and market turmoil usually trigger increased levels of commercial litigation, the extreme conditions created by COVID-19 have primed the landscape for a pan-sector surge in financial services-related disputes.

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- "6 Ways To Improve Veterans' Access To Civil Legal Aid," July 25, 2021
- "*Rouse v. Wachovia*: a victory for national banks," April 10 2014
- "The Puzzle and Promise of Bitcoin," *American Bar Association*, March 20, 2014

## Events

### Upcoming

#### Corporate Crime, Compliance and Investigations Symposium 2022

October 4 to October 27  
Webinar

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#### Global Class Actions Summit (NYC)

20 October 2022  
New York

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### Previous

#### CFPB Authority to Protect Consumers: Reading the Fair Lending Tea Leaves

July 14, 2022 | 2:00 - 3:00 PM EDT  
Webinar

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#### Mitigating your risk in a time of growing consumer protection enforcement and litigation

23 March 2022  
Consumer Goods and Retail speaker series  
Webinar

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#### Lender Liability Claims: What You Must Know and Do to Mitigate Risks and Pitfalls

22 October 2021 | 3:00 - 4:00 ET  
Webinar

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#### White Collar Crime, Investigations and Compliance Symposium



5 October 2021

Webinar

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### **Fair lending deep dive**

14 June 2021 | 12:00 - 1:00 ET

Webinar

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### **Consumer Financial Services: Regulatory and Enforcement Trends for 2021**

14 April 2021 | 3:00 - 4:00 ET

Webinar

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### **Work Life Balance in the COVID Era**

4 March 2021 | 1:00 - 2:00 PT

Webinar

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- Speaker, Navigating the LIBOR Transition," DLA Piper webinar (July 2020)
- "The Intersection of Wall Street and Main Street- Litigating and Resolving Banking Disputes in 2016," California Bankers Association Bank Counsel/Directors and Officers Conference (2016)
- "Before the Session Starts- How to Prepare for Mediation," ABA, Section of Dispute Resolution (2015, 2016)
- "The Force Awakens- Regulatory Compliance and Enforcement Actions," California Bankers' Association Regulatory Compliance Conference (2015)
- "Supreme Court Update and Hot Topics in Banking Litigation," California Bankers' Association Bank Counsel/Directors and Officers Conference (2015)
- "Consumer Financial Protection? Are You Kidding Me? What You Don't Know Can Hurt You," ABA Corporate Counsel Seminar (2014)
- "Banking the Marijuana Industry and Hot Topics in Banking Litigation," San Francisco Bank Attorneys Association (2014)
- The California Bankers Association in Court - City of Richmond Eminent Domain Litigation," San Francisco Bank Attorneys Association (2013)
- "Managing Litigation," Special Assets Management Association (May 2013)
- "First Signs of Fraud," Special Assets Management Association (May 2011, 2012)