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- [DRI News](#)
- [This Week's Feature](#)
- [And The Defense Wins](#)
- [Legal News](#)
- [New Member Spotlight](#)
- [Quote of the Week](#)
- [DRI Cares](#)
- [DRI CLE Calendar](#)

DRI Publications

[ERISA Litigation Primer](#)



Links

- [About DRI](#)
- [Amicus Briefs](#)
- [Blawgs](#)
- [For The Defense Archives](#)
- [Membership](#)
- [Membership Directory](#)
- [News](#)
- [CLE Seminars and Events](#)
- [Publications](#)
- [The Alliance](#)

And The Defense Wins

Douglas Smith and Tara Martin



DRI members [Douglas Smith](#) and [Tara Martin](#) of **Gordon & Rees LLP** (Orange County, California) obtained an order from the United States District Court for the Northern District of California dismissing with prejudice the plaintiffs' class action against the firm's client, a national credit management firm, brought under the Rees Levering Motor Vehicle Sales & Finance Act and the Fair Debt Collection Practices Act.

The credit management firm was an assignee of Wells Fargo Bank auto loans in default after the bank had repossessed the collateral vehicles. The plaintiff sought cancellation of several millions of dollars of deficiencies and deficiency judgments, based on alleged defects in the post repossession notices sent by the bank to the borrowers. The court found that Rees Levering's post vehicle repossession consumer notice requirements were preempted by the National Bank Act and subsequent opinions of the Office of the Comptroller of Currency, and that Gordon & Rees' client, as the bank's assignee, was entitled to the benefit of the preemption.

[Back...](#)