

# LEGAL UPDATE

CUNNINGHAM BOUNDS LLC

WINTER 2015

**Cunningham Bounds** settles  
"Robo-Signing" Class Action for  
more than \$10,000,000

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**Accolades:**  
Cunningham & Brown, Olen  
& Wirtes, Glenn Garside

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**Cunningham Bounds**  
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## Cunningham Bounds settles "Robo-Signing" Class Action for more than **\$10,000,000**

The United States District Court for the Southern District of Alabama recently approved settlements totaling more than \$10,000,000 for classes of affected debtors represented by Cunningham Bounds in three separate cases related to the submission of improper affidavits by Wells Fargo, CitiMortgage, and Chase Home Finance in class members' Chapter 7 or Chapter 13 bankruptcy cases. Part of the settlement included the refund of attorneys' fees and filing fees charged to class members by these mortgage companies.

Cunningham Bounds developed evidence that employees of the mortgage servicing companies were "robo-signing" documents related to class members' home foreclosures, meaning that they were signing hundreds of affidavits a month and submitting them to the United States Bankruptcy Court without reviewing them for truthfulness or accuracy. The affidavits were improper because the signature pages were often

executed separately from the other pages of the document and employees of one of these companies testified that they signed sworn affidavits without reading them and that some affidavits contained false or misleading titles and statements regarding the review process.

"This litigation and its successful outcome made clear to mortgage servicing companies that they cannot take shortcuts just to make extra money at the expense of those who are already struggling with the threat of foreclosure. We hope this litigation has put an end to these dishonest practices," said Cunningham Bounds partner Steve Nicholas.

The three cases involved nearly 6,000 class members and settled for a total of more than \$10,000,000, which included a separate award for attorneys' fees. Steve Olen and Steve Nicholas served as co-lead counsel for the Plaintiffs.



Founded in 1958, Cunningham Bounds has been representing plaintiffs for over 55 years. We have a long and successful history of helping people who have been injured or harmed by the wrongdoing of others. Our firm was born out of the desire to create change and improve lives. We thoroughly prepare each case. We leave no stone unturned, no evidence untouched, and no detail unexamined. This precision and focus ensures that we present each client's very best case to the jury. Today, our goal remains as it was in 1958 - to achieve the best possible result for each client by holding people and companies accountable for their wrongdoing.

# Accolades



**Cunningham & Brown Named to Top 100 Trial Lawyers List**  
**Robert T. Cunningham** and **Buddy Brown** were selected as two of the "Top 100 Trial Lawyers in America" according to *Benchmark Litigation*. The Top 100 is an elite group, as it is based on both peer and client reviews as well as proven achievements in the courtroom.



**Olen & Wirtes Honored as Mobile "Lawyers of the Year"**  
**Steve Olen** was honored by *Best Lawyers* as Mobile's 2016 Litigation-Bankruptcy "Lawyer of the Year," and **David G. Wirtes, Jr.** was honored by *Best Lawyers* as Mobile's 2016 Appellate Practice "Lawyer of the Year."



**Garside Invited to Join Inner Circle of Investigators**  
**Glenn Garside**, Director of Investigations for Cunningham Bounds, was recently selected as the newest member of the "Inner Circle of Investigators," an invitation-only society made up of the best investigators in the country. Glenn is one of only 36 members of this elite group.

## LEGALUPDATE CUNNINGHAM BOUNDS LLC

### PARTNERS

- ROBERT T. CUNNINGHAM
- JOSEPH M. BROWN, JR.\*
- GREGORY B. BREEDLOVE\*
- DAVID G. WIRTES, JR.\*\*
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- GEORGE W. FINKBOHNER, III\*
- STEPHEN C. OLEN
- STEVEN L. NICHOLAS
- DAVID S. CAIN, JR.
- WILLIAM E. BONNER
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In its 2016 rankings of America's leading litigation firms and attorneys, **Benchmark Litigation** named Cunningham Bounds, LLC as one of Alabama's leading law firms.

Cunningham Bounds received top ranking in the 2016 **"U.S. News-Best Lawyers® Best Law Firms"** regional list.



# Cunningham Bounds Investigating Cases Arising From **Volkswagen Emissions Scandal**



Many consumers purchased "clean diesel" Volkswagen vehicles based on VW's marketing campaign that these automobiles were fun-to-drive and delivered revolutionary fuel efficiency. Unfortunately, recent reports and studies have indicated that Volkswagen manipulated emissions software and emissions testing on approximately 11 million vehicles. The emissions software and emissions testing were manipulated so that diesel engines on certain Volkswagen models would appear to meet air quality standards.

Cunningham Bounds is currently investigating cases involving Volkswagen clean diesel engines. To date, we believe that the following makes and models are involved in this manipulation:

- **VW Jetta TDI**  
(Model Years 2009 – 2015)
- **VW Jetta SportWagen TDI**  
(Model Years 2009-2014)
- **VW Golf TDI**  
(Model Years 2010-2015)
- **VW Golf SportWagen TDI**  
(Model Year 2015)
- **VW Beetle TDI and VW Beetle Convertible TDI**  
(Model Years 2012-2015)
- **VW Passat TDI**  
(Model Years 2012-2015)

Individual owners, wholesalers, and used car dealers may have significant claims against Volkswagen for the loss in value of their vehicles and the costs of modifying their vehicles to meet current air quality standards. If you own a Volkswagen diesel automobile, and would like to know whether or not you have a claim against the manufacturer, please contact Cunningham Bounds attorney Billy Bonner.



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The following language is required by Alabama Rules of Professional Conduct:  
 "No representation is made that the quality of the legal services to be performed is greater  
 than the quality of legal services performed by other lawyers."



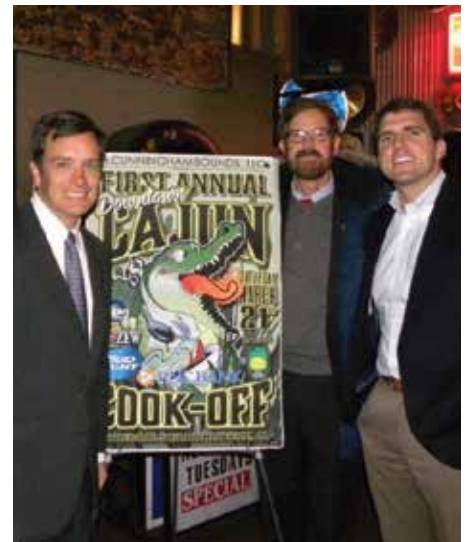
Cunningham Bounds helps raise thousands for local **Girl Scouts**.

Cunningham Bounds teamed up with the Mobile Bar Association Women Lawyers to host Mobile's 5th annual networking event for businesswomen. The event raised more than \$7,000 for the Girl Scouts in our area.



Cunningham Bounds supports **American Cancer Society's** Making Strides Walk.

The Cunningham Bounds team joined friends and neighbors to raise funds and awareness to help prevent and treat breast cancer. The event raised more than \$185,000 for education and research.



**Save the date!**  
**Cajun Cook-Off**  
 Presented by  
 Cunningham Bounds  
 March 19, 2016