



P. Russell Perdew

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Overview

Rusty Perdew litigates complex commercial, class action, and tort cases in jurisdictions across the country.

Rusty represents clients in numerous, typically consumer-facing, industries, with a specific focus on the financial services industry, and product manufacturers, distributors, and retailers. Rusty aggressively defends his clients in class action and high-exposure individual cases alleging violation of state consumer-fraud or deceptive-trade-practice statutes, common-law fraud, and breach of contract, as well as personal injury claims sounding in negligence and strict liability.

Rusty frequently defends financial services companies, including residential mortgage lenders and servicers, in cases alleging violations of the Telephone Consumer Protection Act (TCPA), Truth in Lending Act (TILA), the Real Estate Settlement Procedures Act (RESPA), the Fair Credit Reporting Act (FCRA and FACTA), the Fair Debt Collection Practices Act (FDCPA), the Equal Credit Opportunity Act (ECOA), federal and state False Claims Acts (qui tam cases), the Racketeer Influenced and Corrupt Organizations Act (RICO), provisions of the U.S. Bankruptcy Code and Bankruptcy Rules, and state consumer protection statutes. Rusty also closely follows and writes on legal developments involving statutes creating class-action liability for companies, including the Illinois Biometric Information Privacy Act (BIPA)

Rusty protects clients' valuable trade-secret information by initiating litigation and mandatory arbitrations and obtaining emergency injunctions to prevent the dissemination and illegal use of proprietary information.

Examples of Rusty's recent cases include:

- Obtaining a rarely-issued supervisory order from the Illinois Supreme Court, which vacated the trial court's order of substantial and punitive sanctions and ended the sanctions proceedings
- Defending a loan servicer against multiple high-exposure TCPA cases turning on the definition of an automatic telephone dialing system and the validity and interpretation of the FCC's 2015 Order implementing the TCPA
- Defending a loan servicer against multiple class actions in Florida and New Jersey alleging the servicer charged premiums for lender-placed insurance that were allegedly inflated by improper kickbacks paid to the servicer
- Defending a series of class actions against a residential mortgage servicer and affiliates alleging that late fees, property-inspection fees, property-valuation (BPO) fees, and other charges for default-related services were inflated or improper under the loan contract and various state and federal consumer protection statutes
- Defending a substantial class action against a nationwide franchisor filed by franchisees alleging breach of contract and fraud in how certain charges were passed on to the franchisees
- Advising a manufacturer of personal care products in connection with a cluster of claims alleging that hair dye was defective because of the potential for an allergic reaction
- Defending class-action lawsuits filed by counties, county commissioners, and county attorneys alleging mortgage industry defendants failed to record mortgage assignments, depriving counties of revenue and allegedly damaging the integrity of county records

Practices

Business Litigation & Dispute Resolution
Class Actions
Consumer Finance
Consumer Fraud
False Claims Act (FCA)
Personal Injury
Privacy & Cybersecurity
Product Liability

Industry Groups

Consumer Products, Retail & Franchise
Financial Services

Education

J.D., Northwestern University School of Law, 1999
Moot Court

B.A., *summa cum laude*, Bradley University, 1996

Admissions

Illinois, 1999
Indiana, 2000
Wisconsin, 2013

Admitted To Practice

U.S. Court of Appeals for the Fifth Circuit
U.S. Court of Appeals for the Seventh Circuit
U.S. Court of Appeals for the Ninth Circuit
Supreme Court of Illinois
Supreme Court of Indiana
Supreme Court of Wisconsin
U.S. District Court for the Central District of Illinois

- Defending False Claims Act, or *qui tam*, cases alleging mortgage industry defendants made false statements regarding MERS to avoid paying county recorder fees
- Defending a large *qui tam* case alleging mortgage industry defendants made false statements regarding the nature and recoverability of homeowner association (HOA) fees
- Advising a national membership club in a cluster of “bet-the-company” class actions by consumers alleging violations of RICO and various state consumer protection statutes for alleged misleading conduct in selling memberships, leading to approval of a classwide settlement
- Defending subpoenas and claims initiated by United States Trustees, Chapter 13 trustees, and debtors within bankruptcy proceedings
- Defending class actions filed by borrowers alleging violations of TILA and other claims in connection with payment-option adjustable-rate loans (“Option ARM loans”)

U.S. District Court for the Northern District of Illinois

U.S. District Court for the Southern District of Illinois

U.S. District Court for the Northern District of Indiana

U.S. District Court for the Southern District of Indiana

U.S. District Court for the Eastern District of Wisconsin

U.S. District Court for the Western District of Wisconsin

U.S. District Court for the District of Colorado

U.S. District Court for the Northern District of Florida

U.S. District Court for the Eastern District of Michigan

U.S. District Court for the District of Nebraska

U.S. Bankruptcy Court for the Northern District of Illinois

U.S. Bankruptcy Court for the Southern District of Illinois

U.S. Bankruptcy Court for the Northern District of Indiana

U.S. Bankruptcy Court for the Southern District of Indiana

Representative Experience

Examples of defense verdicts and rulings are:

- *Giotta v. Ocwen Loan Servicing, LLC, et al.*, 2016 WL 4447150 (N.D. Cal. Aug. 24, 2016), aff'd 2017 WL 6397179 (9th Cir. Dec. 15, 2017). Class action under RICO, FDCPA, RFDCPA, and UCL alleging improper and inflated property-inspection and property-valuation (BPO) fees against loan servicer, affiliated company, and individual director/officer dismissed because fees authorized by contract and no basis for fraud claims. Dismissal affirmed on appeal based on borrowers' failure to comply with contractual notice-and-cure provision.
- *U.S. ex rel. Adams v. Aurora Loan Services, LLC, et al.*, 813 F.3d 1259 (9th Cir. 2016). *Qui Tam* claim against mortgage-industry defendants dismissed because allegedly false claims submitted to Fannie Mae and Freddie Mac were not submitted to U.S. government agency.
- *In re: MERS Litigation*, No. 09-2119, 2015 WL 9268189 (D. Ariz. Dec. 21, 2015). Class certification denied to putative class of homeowners who faced non-judicial foreclosure under deeds of trust naming MERS as beneficiary.
- *Scher v. Deutsche Bank Trust Co., et al.*, 643 Fed. Appx. 435 (5th Cir. 2015). Wrongful-foreclosure claims against lender dismissed because borrowers' complaints about standing to foreclose and use of MERS were invalid.
- *Shelley v. Ocwen Loan Servicing, LLC*, No. 1:13-cv-506, 2013 WL 4584649 (S.D. Ind. Aug. 28, 2013). FDCPA claims against loan servicer dismissed because RESPA servicing-transfer notice is not a debt-collection communication under the FDCPA.
- *Maria Moore v. P&G-Clairol, Inc.*, 781 F. Supp. 2d 694 (N.D. Ill. 2011). Summary judgment for the distributor of hair dye in a case alleging a product defect due to a user's allergic reaction.
- *Bonte v. U.S. Bank, N.A.*, 624 F.3d 461 (7th Cir. 2010). TILA rescission claim against lender dismissed where none of the allegedly-inaccurate disclosures were considered material.
- *Velazquez v. GMAC Mortgage, LLC*, 605 F. Supp. 2d 1049 (C.D. Cal. 2008); 2009 WL 2959838 (C.D. Cal. Sept. 10, 2009). TILA claims against lender dismissed, and plaintiffs' attempt to substitute class representatives denied, ultimately leading to the voluntary dismissal of the case.
- *Murray v. GMAC Mortgage, LLC*, 532 F. Supp. 2d 938 (N.D. Ill. 2007), aff'd 2008 WL 1781160 (7th Cir. 2008). Summary judgment on behalf of a mortgage lender in a "firm offer of credit" case under the FCRA because there was no evidence defendant willfully violated the statute.
- *Chatz v. BearingPoint*, 364 B.R. 308 (N.D. Ill. 2007). Defense verdict in bankruptcy trial on behalf of an accounting firm against a \$23 million claim alleging a negligent stock valuation.

Professional Affiliations and Recognitions

Rusty teaches as an adjunct professor in two classes at Northwestern University School of Law—Trial Advocacy and Civil Discovery. In that capacity, he instructs, critiques, and grades law students on courtroom skills, including direct and cross-examination, opening statements, and closing arguments. He also lectures and directs classroom exercises regarding various aspects of pre-trial discovery.

Recent News

Chicago Partner Rusty Perdeu Quoted in Cook County Record on Implications of Facebook Case on Other BIPA Lawsuits

Articles

April 6, 2018

Chicago Partner Rusty Perdew Quoted on Upcoming BIPA Decision in Cook County Record

Articles

November 10, 2017

Chicago Partner Rusty Perdew Examines SCOTUS Bristol-Myers Decision in Reuters

Articles

June 22, 2017

Chicago Partner Rusty Perdew Comments on SCOTUS Bristol-Myers Decision in Bloomberg BNA

Articles

June 22, 2017

Chicago Partner Rusty Perdew Comments on Bristol-Myers Squibb v. Superior Court of California Case in The National Law Journal

Articles

June 15, 2017

Chicago Partner Rusty Perdew Examines U.S. Supreme Court Microsoft Xbox Class Action Decision in Law360

Articles

June 12, 2016

Chicago Partner Rusty Perdew Quoted on Debt Collection Ruling from U.S. Supreme Court in Law360

Articles

June 12, 2017

Rusty Perdew Quoted in Law360 on U.S. Supreme Court Ruling in BNSF Railway Co. v. Tyrrell

Articles

May 31, 2017

Chicago Partners Rusty Perdew and Ryan Holz Provide Pro Bono Representation in Re-Sentencing Hearing for Juvenile Mandatory Life Sentence Inmate

Articles

February 22, 2017

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Recent Publications and Presentations

Locke Lord QuickStudy: Biometrics: California Federal Court in Facebook Case Certifies First Class In Illinois Biometric Information Privacy Act Case, Creating Potential Billion-Dollar Verdict Despite No Injury

Locke Lord Publications

Co-Author

Locke Lord LLP

April 17, 2018

Locke Lord QuickStudy: D.C. Circuit Strikes Down Key Components of FCC's 2015 Interpretation of the TCPA

Locke Lord Publications

Locke Lord LLP

March 21, 2018

TCPA

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Events

Class Action Money and Ethics Conference: Aligning Interests and Optimizing Outcomes in Class Action Litigation

New York City, New York

05/07/2018 7:30 AM - 05/07/2018 5:00 PM

ACI's 2nd Cross-Industry Interdisciplinary Summit on Defending and Managing Class Actions

New York, New York

04/03/2017 7:30 AM - 04/04/2017 12:00 PM

MBA's Legal Issues and Regulatory Compliance Conference

05/04/2014 10:00 AM - 05/07/2014 12:00 PM

ACI's 14th National Conference on Consumer Finance Class Actions & Litigation

07/30/2012 7:30 AM - 07/31/2012 5:40 PM