DEVLIN LAW FIRM LLC
INTELLECTUAL PROPERTY LAW

DEVLIN LAW FIRM LLC
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Christina Henry

PARTNER

PRACTICE AREAS

- Consumer Protection Law
- Class Actions Litigation
- Bankruptcy Related Litigation
- Debt Collection Abuse Litigation

EDUCATION

- J.D., Boston College Law School, 2001.
- B.A., Asian Studies, Dartmouth College, 1994.

BAR & COURT ADMISSIONS

- State Bar of Washington
- U.S. Supreme Court
- U.S. Court of Appeals for the Ninth Circuit
- U.S. District Court for the Western District of Washington
- U.S. Bankruptcy Court for the Western District of Washington
- U.S. Bankruptcy Court for the Eastern District of Washington

***Attorney is not barred in Delaware*

LANGUAGES

English

Biography

Christina Henry focuses her practice on helping consumers resolve their legal issues and fight back against companies and debt collectors that utilize illegal and improper business practices. She has often recognized as a respected voice on consumer protection law, with a special emphasis on litigation related to unfair and deceptive practices involving mortgages, debt collection, bankruptcy stay violations, garnishment abuses, and private student loans. Notable individual cases and class actions against mortgage servicers, credit card debt buyers, private student loan debt collectors, and payday loan companies. Ms. Henry also has recent experience in holding solar panel installers and their credit unions financiers accountable for deceptive solar sales tactics, shoddy installation practices and predatory loan financing.

Ms. Henry is a recipient of the Hammes-Shulman Award in 2022 from the National Association of Consumer Bankruptcy Attorneys (NACBA) for Legislative Advocacy in the passage of the Homestead bill. She is also an elected board member of the Washington State Bar Association Creditor-Debtor Section and the Washington State Chair of the National Association Consumer Advocates (NACA). Ms. Henry also regularly contributes to preserving the rights of consumers as an amicus brief writer in support of cases before the Ninth Circuit Court of Appeals. She also served as a law clerk to the Hon. Whitney Rimel, Bankruptcy Judge for the Eastern District of California after law school.

Representative Cases

- *Salom v. Nationstar Mortgage, LLC*, (W.D. Wash). A class action against a mortgage servicer and beneficiary alleging illegal collection of fees that were neither expressly authorized by the underlying mortgage agreements nor permitted by law. T The Consumer Financial Protection Bureau (CFPB) filed an amicus brief in support, https://www.consumerfinance.gov/compliance/amicus/briefs/salom-et-al-v-nationstar-mortgage-llc. This case is still pending.

- *In re Hoover*, 646 B.R. 488, 495 (Bankr. W.D. Wash. 2021), aff'd in part, vacated in part, remanded, No. 22-35814, 2023 WL 5814810 (9th Cir. Sept. 8, 2023). Chapter 13 debtor sued to reverse a foreclosure of her family residence, alleging that the foreclosure sale took place after the filing of a bankruptcy petition and was in violation of the automatic stay. Court held that even though the home was held in a spendthrift trust, under Washington law, it was part of the bankruptcy estate and subject to protection from the automatic stay because the property because it was "ready for distribution., following *Knettle v. Knettle*, 68 P.2d 218, 220 (Wash. 1937).
- *Flores v. Wells Fargo Bank, N.A.*, 623 F. Supp. 3d 1142, 1146 (W.D. Wash. 2022) Borrower brought action alleging that Wells Fargo failed to apply and report all payments made on mortgage loan during his Chapter 13 bankruptcy proceeding and unreasonably delayed reconciling the account, and asserting claims for breach of contract, breach of the implied duty of good faith and fair dealing, and violations of tort law, the Washington Consumer Protection Act, the Equal Credit Opportunity Act (ECOA), and the Real Estate Settlement Procedures Act (RESPA).
- *Brown v. Transworld Systems Inc.*, 73 F.4th 1030 (9th Cir. 2023). A class action against debt collects and private student loan trusts for unfair and deceptive acts in debt collection lawsuits. This decision holds that separate acts in the course of a debt collection action may constitute independent violations of the Fair Debt Collections Practices Act (FDCPA) and that the FDCPA's one-year limitations period runs separately from each of those violations. The case distinguishes the U.S. Supreme Court's decision in *Rotkiske v. Klemm*, ––– U.S. ––––, 140 S. Ct. 355, 358, 205 L.Ed.2d 291 (2019).
- *Goudelock v. Sixty-01 Association of Apartment Owners*, 895 F.3d 633 (9th Cir. 2018). A decision by the Ninth Circuit Court of Appeals establishing that homeowner's dues are dischargeable in bankruptcy in Chapter 13. This case discharged over $25,000 in homeowner's dues and established a precedent for other consumers.
- *Gray v. ZB, N.A.*, 567 B.R. 841 (Bankr. W.D. Wash. May 12, 2017). Featured in Am. Civ. Liberties Union, A Pound Of Flesh: The Criminalization Of Private Debt, https://www.aclu.org/report/pound-flesh-criminalization-private-debt, p. 54-55. Consumers' car lender sued them in state court for failing to keep up payments on a stipulated repayment plan to avoid garnishment, obtained a bench warrant and arrested the borrowers, who were in bankruptcy. Lawsuit filed against the bank and debt collectors seeking actual damages, including emotional distress and punitive damages, resulted in a ruling that the defendants violated the bankruptcy automatic stay.
- *Thomas v. Flagstar Bank, N.A., et al.*, No. 2:15-cv-01309, (WDWA 2016-2017). Litigation over a mortgage dispute between a borrower and his loan servicer over the breach of a loan modification agreement, suing on claims for breach of contract, good faith and fair dealing, violation of the consumer protection act, and negligent misrepresentation. The borrower defeated the servicer's motion for summary judgment and settled with Freddie Mac after their servicer, filed for bankruptcy.

- *Check Into Cash of Washington, Inc. v. Snowden*, 769 F.3d 651 (9th Cir. 2014). Ninth Circuit Affirmed trial award of $12,000 emotional distress and $12,000 punitive damages award for a payday loan of $550, presented in violation of the bankruptcy automatic stay. The case also distinguished Sternberg v. Johnston and allowed attorney fees to establish the automatic stay violation.