

---

## SHANON J. MCGINNIS

---

WARGO & FRENCH LLP

999 PEACHTREE STREET, N.E.  
26<sup>TH</sup> FLOOR  
ATLANTA, GEORGIA 30309  
404.853.1575 *DIRECT DIAL NUMBER*

601 S. FIGUEROA STREET  
SUITE 4625  
LOS ANGELES, CALIFORNIA 90017  
310.853.6300

### **Practice Areas:**

Ms. McGinnis practices in the following areas:

Financial Services  
Lender Liability Litigation  
Complex Commercial Litigation

### **Representative Matters:**

- For more than fifteen years, defended lenders and national financial services organizations in numerous state and federal court individual and class actions, including without limitation disputes with borrowers related to residential mortgages, with homeowner and condominium associations related to residential mortgages, with customers concerning credit card accounts and auto loans, with borrowers and third parties related to title and lien priority issues, and with account holders relating to checking account.
- Defended financial institutions in actions brought by borrowers and consumer account holders asserting violations of the TruthIn-Lending Act (“TILA”), Real Estate Settlement Procedures Act (“RESPA”) and Regulation Z, the Fair Credit Reporting Act (“FCRA”), the Fair Debt Collection Practices Act (“FDCPA”), the Telephone Consumer Protection Act (“TCPA”), the Fair Credit Billing Act (“FCBA”), and various other federal and state consumer protection statutes. In each matter, obtained early dismissal on the pleadings, summary judgment, or favorable settlement for the client.
- Defended lenders and national financial services organizations in actions with borrowers asserting virtually any type of mortgage-related claims, including allegations of wrongful foreclosure, loan modification disputes, misapplication of payments, improper application of lender-placed insurance and other escrow account issues, lack of standing, slander to title, breach of contract, and state mortgage statute violations.
- Upon certification of question to Georgia Supreme Court regarding whether holder of security deed in real property was required to also hold underlying debt to foreclose

upon security interest, obtained a ruling in favor of multinational financial institution, clarifying state foreclosure statute requirements and allowing client to engage in non-judicial foreclosure proceedings on behalf of third-party debt holders without undergoing potentially massive task of re-assigning security deeds on hundreds of thousands of properties.

- Represented lender in issue of first impression before Georgia Supreme Court and obtained favorable decision holding mortgage borrowers lacked standing to challenge transfer of security deed on mortgaged property and limiting ability of future claimants to do same.
- Represented national financial services organizations and lenders in litigation involving breach of contract, fraud, promissory estoppel, negligence, breach of fiduciary duty, deceptive trade practices, intentional infliction of emotional distress, defamation, successor liability, Uniform Commercial Code, identity theft claims and licensing claims.
- Represented mortgage bank in a breach of contract and breach of fiduciary duty class action brought by borrowers who claimed that the bank unlawfully required its borrowers to maintain excessive escrow deposits for the payment of taxes and insurance. Obtained judgment on the pleadings and a full dismissal of all claims prior to any discovery or class certification.
- Defended and prosecuted actions on behalf of financial institutions involving issues of title to property and title priority, including actions against title insurers when coverage is denied.
- Represented financial institutions in actions involving forged checks and other negotiable instruments and the improper processing of negotiable instruments pursuant to Article 3 of the Uniform Commercial Code and recognized industry practices.
- Defended publicly-traded and private companies in individual and class actions brought by current and former employees and by independent contractors, including wage-and-hour and discrimination claims.
- Represented publicly-traded company in multi-million dollar bad faith denial of coverage litigation and obtained summary judgment finding coverage available, which ultimately led to favorable settlement.
- Defended actions arising from merger and acquisition of certain or all assets, including letter of intent and contract interpretation disputes.
- Defeated TRO attempt for business client involved in partnership dispute and dissolution.
- Represented clients in patent infringement action in federal courts and before the International Trade Commission.
- Represented clients in both defense and prosecution of copyright, trade secret, unfair

competition, Lanham Act and state trademark claims in state and federal courts.

- Represented former President and Board of Director member in federal alter ego litigation.
- Represented clients, including both business and technology clients, in general commercial matters including breach of contract, licensing, software, and securities disputes.
- Represented securities broker-dealers and affiliated persons in arbitration and litigation with customers involving claims of unsuitability, unauthorized trading, failure to supervise, churning, fraud, negligence, and breach of duty.
- Represented billboard companies in First Amendment actions challenging appropriateness of city and county sign ordinances.

### **Education:**

**Southern Methodist University School of Law, Dallas, Texas**

J.D, *cum laude*, 1998

#### **Honors:**

*Southern Methodist University Law Review*, Articles Editor 1996-

1998 Order of the Coif

Best Brief Winner, Jackson-Walker Moot Court

Competition Phi Delta Phi

**University of Southern California School of Journalism, Los Angeles,**

California B.A., 1994

#### **Honors:**

Dean's Scholar and Dean's Scholarship Recipient, 1990-

1994 Dean's List – all four years

### **Decisions:**

- *You, et al. v. JPMorgan Chase Bank, N.A., et al.*, No. S13Q0040, 293 Ga. 67 (2013)
- *Bates v. JPMorgan Chase Bank, NA*, No. 13-15340, 2014 WL 4815564 (11th Cir. Sept. 30, 2014)
- *Wade v. Federal National Mortgage Association, et al.*, No. 14-1392, 2014 WL 4802259 (4th Cir. Sept. 29, 2014) (per curiam) - unpublished
- *Cornelius v. Bank of America, NA, et al.*, No. 13-14905, 2014 WL 4747332 (11th Cir. Sept. 25, 2014) (per curiam)
- *Bojorquez, et al. v. Horizon Mortgage & Investment Fund, LLC, et al.*, No.

B241977, 2014 WL 1050760 (Cal. App. 2nd Dist. March 19, 2014) - unpublished

- *Adams v. JPMorgan Chase Bank, N.A., et al.*, No. B245892, 2013 WL 6668792 (Cal. App. 2nd Dist. Dec. 18, 2013) - unpublished
- *Harris v. Chase Home Finance, LLC, et al.*, No. 12-10406, 524 Fed. Appx. 590 (11th Cir. July 31, 2013) (per curiam)
- *Rector v. JPMorgan Chase Bank, N.A.*, No. F065588, 2013 WL 2626496 (Cal. App. 5th Dist. June 11, 2013) – unpublished
- *Miller v. Chase Home Finance, LLC*, No. 11-15166, 677 F.3d 1113 (11th Cir. April 19, 2012) (per curiam)
- *Arms, et al. v. JPMorgan Chase & Co.*, 451 Fed. Appx. 882 (11th Cir. Jan. 19, 2012) (per curiam)
- *Boone v. JPMorgan Chase Bank, NA*, 447 Fed. Appx. 961 (11th Cir. Nov. 30, 2011) (per curiam)
- *Pacific Indemnity Co. v. Washington Mutual Bank*, FA, 418 Fed. Appx. 827 (11th Cir. 2011) (per curiam)
- *You and Bak v. JPMorgan Chase Bank, N.A., et al.*, No. 1:12-cv-202-JEC-AJB, 2014 WL 793325 (N.D. Ga. Feb. 25, 2014)
- *Bradley v. JPMorgan Chase Bank, N.A., et al.*, No. 5:13-cv-180 (MTT), 2013 WL 5278654 (M.D. Ga. Sept. 18, 2013)
- *Jones v. Washington Mutual Bank, et al.*, No. 1:11-cv-0591-RWS, 2012 WL 2018056 (N.D. Ga. June 5, 2012)
- *Phillips v. JPMorgan Chase*, No. 1:11-cv-2194-TWT (N.D. Ga. March 22, 2012)
- *Dees v. Washington Mutual Bank and JPMorgan Chase Bank, NA*, No. 3:10-cv-0045 (CAR), 2010 WL 5349865 (M.D. Ga. Dec. 21, 2010)
- *Reynolds v. Chase Home Finance LLC, et al.*, No. 5:10-cv-249-MTT, 2010 WL 4026117 (M.D. Ga. Oct. 13, 2010)
- *Ray v. Equifax Information Services, LLC, et al.*, No. 1:04-cv-482, 2009 WL 1025319 (N.D. Ga. April 19, 2009)
- *Mercer v. Washington Mutual Home Loans*, 651 S.E.2d 499 (Ga. App. Aug. 30, 2007)

**Professional Activities:**

- Recognized as one of Georgia's "Rising Stars" by *Atlanta Magazine* in 2010
- Member of the Business Law and Litigation Sections of the American Bar Association and the Committee on Consumer Financial Services
- Member of the Georgia Association of Women Lawyers
- Member and past board member of the Atlanta Chapter of the Women's Finance Exchange

**Bar and Court Admissions:**

- State Bars of California and Georgia
- Admitted to practice in the United States Courts of Appeals for the Fourth, Ninth, and Eleventh Circuits; the United States District Courts for the Northern and Middle Districts of Georgia and the Central District of California; and all the state courts of California and Georgia