

# Outsourcing and Other Hot Topics: Computer Data & Recent Class Actions

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- **Why class actions?**
  - Largest possible recovery in a civil action, short of punitive damages
  - Leverage for quick settlement
  - Established rules for recovery of attorney's fees
- **Current trends in mortgage class actions**
  - TILA claims based on disclosures
  - Failure to disclose YSPs on good faith estimates
  - Fair lending violations (a.k.a. HMDA class actions)
- **Nature / impetus of claims**
  - Alleged non-compliance with legal/regulatory requirements
  - Minor "inaccuracies" repeated systemically
  - Availability of data in "accessible form"
    - Public
    - Discoverable

- Uses of Computer Data in Class Actions
  - Offensive
    - Discovery of data
    - Deposition of key personnel
    - Discovery rules and potential sanctions
    - Sampling to support class certification
  - Defensive
    - Understanding your own data
    - Sampling to counter class certification
    - Educating the decision maker
  - Real World Application
    - TIL disclosures: calculations, programming, “raw data” for sampling
    - YSP disclosure cases: class identification, sampling, damages
    - HMDA cases: (wait for tomorrow!)

# Questions?

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