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Contos v. National Bank Escrow Company LLC

Case No. C08-838Z | U.S. District Court, Western District of Washington | Seattle, Washington

We represented National Bank Escrow in a putative class action lawsuit claiming violation of RESPA section 8(a) (12 U.S.C. § 2607(a)), the Washington Consumer Protection Act, and breach of fiduciary duty. Plaintiffs' theory of the case was that the discounted builder rate charged by National Bank Escrow to the builder/seller of the plaintiffs' condominium constituted, inter alia, an illegal kickback in violation of RESPA. On July 1, 2010, the Court denied the plaintiffs' motion for class certification, holding that plaintiffs failed to meet their burden of establishing that Rule 23(b)(3)'s predominance and superiority requirements had been met. After the Court's denial of their motion for class certification, the named plaintiffs voluntarily dismissed their individual claims with prejudice.