



Ryan M. Tosi

Partner

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OVERVIEW

Ryan Tosi is a partner in the Boston office of K&L Gates, and a member of the firm's Financial Institutions and Services Litigation, Class Action Litigation Defense, and Investigations, Enforcement, and White Collar practice groups. Ryan's practice focuses on bankruptcy litigation, federal, state, and foreign class action litigation, and consumer finance litigation. Ryan has extensive experience representing financial services institutions, consumer credit institutions, mobile wireless companies, and sports entertainment companies in class action litigation, consumer bankruptcy proceedings, government enforcement matters, and individual litigation matters. Ryan serves as national coordinating counsel for national consumer financial services institutions in connection with government and consumer inquiries into various bankruptcy servicing practices.

Ryan has represented a variety of corporate and individual clients in bankruptcy litigation, consumer protection litigation, class action litigation, government enforcement matters, complex commercial disputes, cyber security litigation, and legal malpractice proceedings in federal and state courts throughout the United States, including California, Colorado, Connecticut, Florida, Georgia, Kansas, Illinois, Indiana, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Texas, the US Virgin Islands, and Washington state. Ryan has prepared appellate briefs before the United States Supreme Court, and the First, Third, Eighth, and Ninth Circuit Courts of Appeal.

Ryan also serves as counsel for asset managers and institutional investors with respect to international securities fraud litigation and arbitration matters. Ryan has advised clients, including counseling on litigation funding issues, in securities actions in the UK, Germany, Australia, Japan, Italy, Denmark, Netherlands, Sweden, Switzerland, and Brazil.

PROFESSIONAL / CIVIC ACTIVITIES

- American Bar Association (Litigation Section, Class Actions and Derivative Suits Committee)
- Boston Bar Association (Multidistrict Litigation and Class Actions Steering Committee)

SPEAKING ENGAGEMENTS

- Exhibits and Objections, K&L Gates Presentation, July 18, 2018
- How Safe Are the "Safe Harbors"? How to Protect Your Investment Funds and Trades From Bankruptcy Clawback After the Supreme Court's Recent Merit Management Ruling, Webinar, July 11, 2018
- Current Consumer Bankruptcy Issues, Fall 2017
- Exhibits and Objections, K&L Gates Presentation, July 19, 2017
- Panelist, The Consumer Financial Services Market: Current Trends and Future Outlook, The Boston Bar Association Continuing Legal Education Program, April 3, 2017
- Exhibits and Objections, K&L Gates Presentation, July 7, 2016
- Panelist, 10 Years of Removing Class Action Litigation Under the Class Actions Fairness Act: Recent Trends from the Plaintiff's and Defendant's Perspectives, The Boston Bar Association, February 26, 2016
- A Primer On Federal Class Action Procedure And Recent Class Action Supreme Court Decisions, K&L Gates Presentation, July 2011

EDUCATION

- J.D., Northeastern University School of Law, 2004 (*Best Advocate, 2003 National Appellate Advocacy Moot Court Competition, New York Regional Tournament*)
- B.A., Boston College, 2001 (*magna cum laude*)

ADMISSIONS

- Bar of Massachusetts
- Supreme Court of the United States
- United States Court of Appeals for the Eighth Circuit
- United States Court of Appeals for the First Circuit
- United States Court of Appeals for the Ninth Circuit
- United States Court of Appeals for the Second Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Central District of Illinois
- United States District Court for the District of Massachusetts

THOUGHT LEADERSHIP POWERED BY HUB

- 13 July 2021, COVID-19: CFPB Narrows Servicers' Obligations in Final COVID-19 Mortgage Servicing Regulations
- 23 April 2021, COVID-19: CFPB's Proposed Mortgage Servicing Amendments Add Loss Mitigation Protections for Borrowers and Signal Heightened Expectations for Mortgage Servicers' Operations Loss Mitigation Efforts
- 30 March 2020, COVID-19: How the CARES Act Will Impact Chapter 7 and Chapter 13 Consumer Bankruptcies
- 18 June 2019, "Any Defendant" Does Not Really Mean "Any Defendant"
- 2018, Defense of Class Action Litigation in Federal Court
- 4 October 2018, Does "Any Defendant" Really Mean "Any Defendant"?
- July 2018, How Safe Are the "Safe Harbors"?
- 9 August 2017, Upcoming Amendments to Bankruptcy Rule 3002 to Impact Bankruptcy Filing Practices for Mortgagees
- 30 January 2017, Third Circuit Moves Toward a Broader View of Standing in FCRA Data-Breach Class Action
- 30 January 2017, Federal Courts Follow Two Approaches Post-Spokeo When Analyzing Standing
- 21 December 2016, Massachusetts Title Clearing Act To Take Effect December 31, 2016 - Are you Ready?
- 22 November 2016, Bankruptcy Payment Change Notice Rule Changes to Take Effect December 1, 2016
- 19 September 2016, The Eighth Circuit Charts a Course for Data Privacy Cases in the Wake of *Spokeo* for Technical Violations of a Statute That Result in no Harm
- 19 May 2016, Take Notice of This Change: Supreme Court Adopts Recommended Amendments to Bankruptcy Notice of Payment Change Rule
- 18 April 2016, Buy One, Get One Free: Appellate Court Strikes Deal to Permit Defendant's Second Attempt at Removing Class Action Beyond Initial Thirty-Day Removal Window
- 15 March 2016, Proactive Protection of Consumers or Premature Penalty? Consumer Financial Protection Bureau Bucks the Trend in Data Security Breach Cases
- 10 December 2015, "An Act Clearing Titles to Foreclosed Properties" in Massachusetts ... Maybe
- 3 December 2015, No Harm, No Foul: Undisclosed Sale of Personally Identifying Information Does Not Give Rise to Standing to Sue
- 6 July 2015, Advisory Rules Committee Adopts Amendments to Bankruptcy Rule 3002.1

OTHER PUBLICATIONS

- Parties, Chapter 24 of the treatise, entitled *Business and Commercial Litigation in Federal Courts*, Thomson Reuters and the American Bar Association's Section of Litigation, Fifth Edition, 2021
- Difficult Questions On Class Action Removal At High Court, *Law360*, 23 January 2019.
- Federal Courts Follow Two Approaches Post-Spokeo When Analyzing Standing, *Washington Legal Foundation, Legal Backgrounder, Vol. 32 No. 3. 27*, 27 January 2017.
- Scope Of The Amendments To Bankruptcy Rule 3002.1, *Law360*, 23 May 2016.
- "Parties," Chapter 18 of the treatise, entitled *Business and Commercial Litigation in Federal Courts*, Thomson Reuters and the American Bar Association's Section of Litigation, Fourth Edition, 2016
- "Ninth Circuit Further Strengthens Defendants' Ability to Seek Removal of State Class Actions," American Bar Association, Section of Litigation, Class Actions & Derivative Suits Committee, 25 March 2014.
- "Parties," Chapter 18 of the treatise, entitled *Business and Commercial Litigation in Federal Courts*, published by Thomson West and the American Bar Association's Section of Litigation, Third Edition, 2012. Samuel Adams, Michael S. Greco, and Ryan M. Tosi co-authors.
- Double Vision: The Eleventh Circuit Requires Class Action Plaintiffs to Satisfy Both CAFA and Traditional Diversity Amount-in-Controversy Requirements, American Bar Association, Section of Litigation, Class Actions & Derivative Suits Committee, by Andrew C. Glass and Ryan M. Tosi, 21 July 2010.
- Seventh Circuit Requires Full Daubert Analysis and Ruling Prior to District Court Certification of Class Action, American Bar Association, Section of Litigation, Class Actions & Derivative Suits Committee, Ryan M. Tosi, 13 May 2010.
- State Class Actions: Practice and Procedure, Massachusetts Chapter on Class Actions, Ryan M. Tosi, Aspen Publishers, Editors Matthew G. Ball, Todd L. Nunn, Irene C. Freidel, 2009.
- "Parties," Chapter 15 of the treatise, entitled *Business and Commercial Litigation in Federal Courts*, published by Thomson West and the American Bar Association's Section of Litigation, Second Edition, 2005. Samuel Adams and Ryan M. Tosi co-authors.

NEWS & EVENTS

- 20 May 2021, 2021 Consumer Financial Services Symposium - Virtual Edition: Panel 2 - Litigation and Enforcement in a Post-Pandemic World

AREAS OF FOCUS

- Financial Institutions and Services Litigation
- Appellate Litigation

- Class Action Litigation Defense
- Commercial Disputes
- Payments, Banking Regulation, and Consumer Financial Services
- Restructuring and Insolvency
- White Collar Defense and Investigations

REPRESENTATIVE EXPERIENCE

- Serve as national coordinating counsel for national mortgage loan servicers in connection with government inquiries and borrower actions concerning bankruptcy servicing practices
- Advise on bankruptcy escrow issues, including calculation of pre-petition and post-petition escrow amounts, running of annual and short-year escrow analyses in bankruptcy, and the preparation of escrow analyses for purposes of proofs of claim and payment change notices
- Counsel institutional investors on asset recovery efforts in foreign securities fraud litigation and litigation funded matters
- Provide day-to-day advice to mortgage servicers regarding consumer bankruptcy issues, including issues relating to payment change notices, bankruptcy escrow computation, payment application of pre- and post-petition funds, proofs of claim, post-petition fee notices, monthly statements to debtors, responses to notices of final cure, motions for relief from stay, bankruptcy loss mitigation, violations of the automatic stay and discharge injunction, and disclosure of personal identifying information as it relates to debtors in bankruptcy
- Defend national consumer financial services institutions in litigation, state enforcement action, and bankruptcy proceedings alleging improper servicing and foreclosure practices
- Defend sports entertainment company in putative class action alleging unlawful ticketing sale practices and against claims arising from alleged traumatic brain injury in multiple class action and wrongful death lawsuits
- Represent investment advisers, funds, and public pension plans in class action bankruptcy litigation seeking to claw back funds paid to shareholders of public companies in connection with those companies' leveraged buyouts
- Defend national mortgage loan servicer in identity theft class action
- Defend mobile wireless companies in litigation arising under the federal Communications Act and state unfair and deceptive acts and practices statutes, including disputes concerning the assessment of surcharges, text messaging charges, premium text messaging charges, and alleged violations of the number porting requirements of the Federal Communications Commission
- Represent clients in conducting internal investigations and assist in evaluating criminal, regulatory, or civil exposure

- Defend national mortgage lenders and loan servicers in class actions involving the Real Estate Settlement Procedures Act, the Truth in Lending Act, the Racketeer Influenced and Corrupt Organizations Act, the Home Affordable Modification Program, state unfair and deceptive acts and practices statutes, and various common law claims in connection with mortgage loan origination and servicing practices.
- Represent executives and employees of publicly traded pharmaceutical companies in wide-ranging federal health care fraud investigations of the companies' sales and marketing practices
- Defend law firms and attorneys in legal malpractice actions