ECKERT SEAMANS



# Christian B.W. Stephens

## MEMBER

Chris Stephens is a seasoned litigator with 20 years of experience whose practice encompasses business and commercial litigation, consumer financial services, and administrative and appellate law.

**Business and Commercial Litigation**. Chris represents and counsels clients regarding a wide range of business issues and disputes involving contract, tort, warranty, fiduciary duty, fraud, trade secret, business interference, unfair competition, and unfair and deceptive trade practices claims. Chris has successfully tried complex disputes involving shareholder and corporate dissolution claims and business disputes brought under Chapter 93A, the Massachusetts Consumer Protection Act. Chris routinely prosecutes and defends claims arising under various contracts and consumer protection statutes. Chris has experience litigating commercial matters including class actions and multi-district litigations involving product liability claims. He also routinely represents commercial landlords in disputes concerning lease and license agreements, tenancy, and real estate matters.

**Consumer Financial Services.** Chris has considerable experience representing lenders, investors, mortgage loan servicers, and financial institutions in consumer financial services litigation in the trial and appellate courts. Chris has handled a broad range of financial services matters, including disputes involving loan servicing, contested foreclosures and evictions, lender liability, mortgage lending and fraud, alleged predatory lending, credit reporting, municipal liens and claims including code violation matters, condominium, tax and other priority liens, receivership, bankruptcy, real estate, partition, takings/eminent domain, debt collection and collections activities, housing court proceedings, and title matters, among others. Chris has litigated and defended matters arising under the full range of laws and statutes regulating the consumer finance industry, such as the Real Estate Settlement Procedures Act (RESPA), the Fair Debt Collection Practices Act (FDCPA), and the Fair Credit Reporting Act (FCRA). Chris works closely with corporate and in-house counsel regarding all aspects of litigation defense and strategy as well as compliance issues and Consumer Financial Protection Bureau (CFPB) claims. Chris has also defended banks with respect to consumer banking and credit reporting claims.

**Appellate and Administrative Law**. Chris has considerable experience – and has prevailed – at every level of appeal. In particular, Chris has litigated on appeal numerous complex administrative matters adverse to state and federal agencies arising under the federal Administrative Procedures Act (APA) and analogous state statutes, federal and state


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### PRACTICE AREAS:

Litigation

Commercial Litigation

Financial Services Litigation

Appellate

### STATE ADMISSIONS:

Massachusetts

Rhode Island

New Hampshire

### COURT ADMISSIONS:

U.S. District Court for the District of Massachusetts

U.S. District Court for the District of Rhode Island

U.S. District Court for the District of New Hampshire

U.S. Court of Appeals for the First Circuit

U.S. Court of Appeals for the Fourth Circuit

U.S. Court of Appeals for the District of Columbia Circuit

Supreme Court of the United States

### EDUCATION:

J.D., cum laude, Boston College Law School, 2006

B.S.B.A., Kenan-Flagler Business School, University of North Carolina at Chapel Hill, 2003

Medicaid programs, the federal Food, Drug and Cosmetic Act (FDCA), consent decrees, and which involve precedential and constitutional matters of first impression. Chris has litigated constitutional claims involving due process rights, privacy and reputational rights, civil jury trial rights and separation of powers, among others.

## REPRESENTATIVE MATTERS

- Successfully obtained judgment in Fair Credit Reporting Act case on behalf of financial institution alleging improper credit reporting due to alleged identity theft. U.S. District Court-Massachusetts (2024).
- Represented parents and guardians of disabled individuals in appeal involving application of federal requirements for home and community-based residential settings and related funding issues. New Hampshire Supreme Court (2024).
- Obtained summary judgment on behalf of mortgage servicer in case involving alleged violations of federal regulations requiring a face-to-face meeting prior to foreclosure. U.S. District Court-Massachusetts (2023). Successfully defended judgment on appeal. U.S. Court of Appeals for the First Circuit (2024).
- Successfully opposed appeal by state agencies seeking to terminate consent decree governing state regulation of treatment provided by private health care provider. Massachusetts Supreme Judicial Court (2024).
- Obtained $5.1 million judgment in corporate fraud case involving issues of first impression regarding Rhode Island civil commercial bribery statute. U.S. District Court-Rhode Island (2023).
- Successfully challenged and overturned FDA medical device ban regulation in case of first impression involving Congressional prohibition on FDA's regulation of practice of medicine. U.S. Court of Appeals for the D.C. Circuit (2021).
- Obtained judgment of dismissal of complaint to enjoin mortgage foreclosure on behalf of mortgage servicer in case involving alleged breach of settlement agreement. U.S. District Court-Massachusetts (2021). Successfully defended judgment on appeal. U.S. Court of Appeals for the First Circuit (2023).
- Successfully defended alleged predatory lending claims on behalf of loan servicer. U.S. District Court-Massachusetts (2020). Successfully defended judgment of dismissal on appeal. U.S. Court of Appeals for the First Circuit (2022).
- Prosecuted and argued appeal of first impression involving due process and privacy rights of caregivers based on state investigation of alleged abuse and listing on abuse registry. Massachusetts Appeals Court (2018).
- Successfully tried to federal jury Chapter 93A claims and obtained multiple damages and fee award on behalf of software developer plaintiff in business-to-business contract and unfair trade practices dispute. U.S. District Court-Massachusetts (2015). Successfully defended verdict in appeal concerning jury trial right for Chapter 93A claims in federal court under Seventh Amendment. U.S. Court of Appeals for the First Circuit (2017).
- Successfully obtained dismissal of tort and contract claims against loan servicer related to alleged improper credit reporting

based on federal preemption. U.S. District Court-New Hampshire (2017).

- Defended at trial majority shareholder of close corporation against breach of fiduciary duty and other business tort claims by minority shareholders. Massachusetts Superior Court (2013).
- Served as local counsel in various commercial litigation matters including post-judgment proceedings.

## PROFESSIONAL AFFILIATIONS

- New Hampshire Bar Association
- Rhode Island Bar Association

## COMMUNITY INVOLVEMENT

- The Esplanade Association, Friends Council
- New England Center for Homeless Veterans, Volunteer
- UNC-Chapel Hill General Alumni Association, Boston Chapter

## NEWS AND INSIGHTS

PUBLICATIONS

- "FDA's Misguided Quest to Regulate the Practice of Medicine Implicates Serious Federalism Concerns," Washington Legal Foundation, March 2024.
- "One Year Later: Massachusetts' COVID-19 Tolling Orders in Civil Cases," Boston Bar Journal, April 7, 2021.
- "Mass. Court Deadline Tolling Will Cause Problems For Years," Law360, June 2020.

MEDIA COVERAGE

- "The Most Important Opinions of 2023," Rhode Island Lawyers Weekly, January 16, 2024.
- "How do consumer protection laws keep you and your money safe?" Consumer Affairs, September 18, 2023.
- "The Most Important Opinions: January – June 2023", Rhode Island Lawyers Weekly, June 30, 2023.
- "Cleaning co. entitled to $3.2M over 'ghost employee' scheme," Rhode Island Lawyers Weekly, June 2023.
- "Spoliation of Evidence Yields Default Judgment," Rhode Island Lawyers Weekly, August 2022.
- "The Most Important Opinions: January – December 2021," Rhode Island Lawyers Weekly, December 2021.
- "Default judgment entered over discovery violations," Rhode Island Lawyers Weekly, July 2021.
- "DC Circ. Tosses FDA's Electric Shock Harnesses Ban," Law360. July 2021.
- "3M, Tyco Want Firefighting Foam Contamination Suit Tossed," Law360, June 2017.

SPEAKING ENGAGEMENTS

- “Litigation Practice & Strategy: What Every New Civil Litigator Should Know,” Boston Bar Association, February 2015.
- “Beyond the Basics of the Litigation Cycle: Initial Pleadings and Dispositive Motion Practice,” Boston Bar Association, September 2013.