



## **Rik S. Tozzi**

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## **Services**

Arbitration & Mediation, Commercial / Corporate Litigation, Consumer Finance Litigation & Compliance, Financial Institution Disputes, Insurance, Insurance Litigation & Coverage, Cybersecurity, Class Action,

Rik has a nationally recognized practice in three areas: representing the financial services industry and other corporate clients against class, mass, and individual consumer claims; trying and arbitrating various types of cases in both state and federal courts, including being asked to "parachute" into matters to serve as lead counsel on the eve of trial; and representing corporate and institutional clients in various types of offensive litigation.

Rik's experience representing the financial services industry and other corporate clients against consumer claims includes serving as lead counsel in over 125 class actions throughout 25 different states, as well as handling numerous other individual and mass actions. He has successfully defended class cases involving the FCRA, FDCPA, FCBA, RESPA, HOEPA, TILA, Federal and State RICO claims, NSF fees, payment posting issues, fair housing allegations, credit card and mortgage securitization, as well as state fair lending, collection, and deceptive trade practice statutes. A portion of his practice is also devoted to enforcing arbitration provisions and covenants not to compete. Rik has arbitrated or tried to conclusion over 110 matters throughout the United States.

He has served as lead trial counsel in a matter brought by the West Virginia Attorney General in West Virginia State Court against a major national bank, tried mortgage cases in Florida and California and successfully argued class action matters before the Fifth, Fourth, and Eleventh Circuits, as well as state appellate courts in, among other places, Ohio. Within the past five years, he has also successfully tried to conclusion cases in Florida, Alabama, New Jersey, and Texas. Past trial/arbitration experience includes trying or arbitrating matters to conclusion in Georgia, California, Ohio, Michigan, Oregon, Washington, and Tennessee. Rik has handled oral argument before a

number of federal circuit courts and arbitrated cases before the AAA, JAMS, NAF, and FINRA.

Due in part to his trial/arbitration practice, Rik is regularly asked by a variety of financial institutions and other companies, large and small, to bring suit against other corporations and individuals to recover damages and/or garner injunctive relief. In this capacity, he has successfully brought suit against a major international explosive manufacturer, recovered significant sums based on claims regarding the sale and securitization of mortgages; sued a competitor financial institution regarding the theft of trade secrets and raiding of an employment force; and, was retained by a receiver to prosecute numerous suits against various Internet schemes which had defrauded a number of major financial institutions and consumers. In these cases, Rik partnered with the Florida Attorney General to recover millions of dollars.

Rik resides in the firm's Birmingham office and serves as co-chair of the firm's diversity committee. Rik received his Bachelor and Master's Degrees from Oxford University (Mansfield College), and his J.D., *cum laude*, from Tulane University.

## **Speeches and Publications**

"Legal Theories for Defense Counsel in Dangerous Jurisdictions," Consumer Finance Class Actions, New York, New York

"Strategies for Trying Consumer Finance Cases," Consumer Finance Litigation and Class Actions, Chicago, Illinois

"Removal Strategies in Dangerous Jurisdictions," Consumer Finance Litigation and Class Actions, New York, New York

"How to Argue Summary Judgments in Firm Offer of Credit Cases Given Cole," Consumer Credit Litigation, New York, NY

## **Education**

J.D., *cum laude*, Tulane University, (1993)

M.A. and B.S., *with honors*, Oxford University - Mansfield College, (1990)

## **Licensed In**

Alabama

## **Honors & Awards**

- *Chambers USA*, Leading Practitioner in Litigation: General Commercial (2006-2019)
- *Mid-South Super Lawyers*, Consumer Law (2016-2018)
- *Alabama Super Lawyers*, Consumer Law (2010-2015)
- *Benchmark Litigation*, Local Litigation Star (2008-2018)

## **Professional Associations**

Alabama Bar Association

## **Community Involvement**

Indian Springs School, Men's Varsity Soccer Coach (2002-2018)

## **Experience**

- Represents National Bank in Nationwide Class Action alleging TILA violations.
- Represents National Bank in all litigated matters related to credit card securitizations.
- Represents solid waste company in series of Class Actions relating to pricing.
- Represents Federal Savings Bank in Nationwide Class Action pending in Florida relating to the force placement of various types of insurance, including flood insurance.
- Represents National Bank in various TCPA and State recording cases in Florida, Georgia, Maryland, and California.
- Represented two National Banks in cases brought by the Mississippi Attorney General contesting various products sold in conjunction with credit cards.
- Currently representing a major mortgage originator in a series of individual cases contesting foreclosures, collection practices and the computation of arrearages in Illinois, Arizona, Ohio, Georgia, Florida, Texas, and California.
- Represents National Bank in two class actions in State of Ohio alleging that credit card debt was sought to be collected outside of the applicable statute of limitations.

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