

Joshua H. Threadcraft

Partner

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Joshua Threadcraft is a partner in Burr & Forman's Financial Services Practice Group. He is admitted to practice law in five of the Southern states where the firm has offices (Alabama, Florida, Georgia, Mississippi, and Tennessee), focusing his practice on defending state and federal court litigation in these states, as well as across the country.

Joshua routinely defends individual and multi-plaintiff/class actions. He has almost two decades of experience defending lawsuits involving the Fair Credit Reporting Act, Fair Debt Collection Practices Act, the FTC Holder Rule, Telephone Consumer Protection Act, and alleged violations of state and federal law involving banks, credit card companies, insurance companies, mortgage and automobile lending institutions and servicers. Joshua also has extensive experience involving escalated reverse mortgage litigation in both state and federal courts across the country, including both the trial and appeal in the 2021 Florida Supreme Court case *WVMF Funding v. Luisa Palmero*, which held that, as a matter of law, a spouse who does not sign a reverse mortgage note is not a borrower on the loan. For the past several years, Joshua has also been heavily involved in landlord guarantor lease litigation across the country.

Since 2016, Joshua has been selected by his peers for inclusion in Best Lawyers in America in the field of Banking and Finance, and was recently selected for inclusion by his peers in the fields of Commercial Litigation and Litigation Mass Tort Litigation/Class Actions – Defendants. Joshua has also been designated a top rated consumer law attorney in Birmingham, Alabama, and the Mid-South by Super Lawyers. Joshua frequently speaks and writes on various topics, including trial strategy, and federal and state statutes applicable to the financial services industry, including reverse mortgage litigation trends and specifically the Telephone Consumer Protection Act, 47 U.S.C. § 227, also serving as the author of the

PARALEGAL/ASSISTANT

Legal Practice Assistant

Jayna Carlin
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CAPABILITIES

Commercial Litigation
Financial Institutions
Consumer Finance Litigation & Compliance
Financial Institution Disputes
Insurance
Insurance Litigation & Coverage
Class Action

EDUCATION

J.D., *cum laude*, University of Alabama School of Law (2001)
B.A., Auburn University (1998)

LICENSED IN

Alabama
Florida
Georgia
Mississippi
Tennessee

ADMITTED IN

All Alabama Trial and Appellate Courts
U.S. District Court for the Middle, Northern and Southern Districts of

Joshua H. Threadcraft

firm's TCPA blog.

To view Joshua's full list of reported cases, publications and presentations, please click below.

- Reported Cases
- Publications, Speaking Engagements/Presentations

Experience

- Obtained summary dismissal of permissible purpose FCRA claim against auto lender in Kentucky federal court.
- Obtained judgment on Plaintiff's claims, and consent judgment on counterclaim at trial.
- Obtained summary judgment dismissal of Malicious Prosecution and Intentional Infliction of Emotional Distress claims in Georgia state court.
- Obtained summary judgment for individual defendant in multi-million dollar defamation action.
- Obtained \$800,000 jury verdict.
- Obtained dismissal on the pleadings of Outrage claim in workers' compensation context.
- Retained as National Arbitration counsel for major national bank.
- Obtained summary judgment on behalf of defendant corporation for injuries sustained by individual when the business was robbed.
- Obtained summary dismissal of permissible purpose/false pretenses FCRA claim against auto lender in Alabama federal court.
- Obtained dismissal of appeal to U.S. Court of Appeals for the Eleventh Circuit for lack of subject matter jurisdiction.
- Successfully compelled arbitration in multiple consumer finance actions.
- Obtained summary judgment dismissal of Malicious Prosecution claim and various state law claims in Florida federal court.
- Obtained dismissal of state law claims on grounds of Fair Credit Reporting Act preemption in Arkansas federal court.
- Retained to defend educational institution in TCPA solicitation class action.

Alabama

All Florida Trial Appellate Courts

U.S. District Court for the Middle, Northern and Southern Districts of Florida

U.S. District Court for the Eastern, Northern and Southern Districts of Texas

All Mississippi Trial and Appellate Courts

U.S. District Court for the Northern and Southern Districts of Mississippi

All Georgia Trial Courts and the Georgia Court of Appeals

U.S. District Court for the Middle and Northern Districts of Georgia

All Tennessee Trial and Appellate Courts

U.S. District Court for the Middle and Western Districts of Tennessee

U.S. Court of Appeals for the Fifth Circuit

U.S. Court of Appeals for the Sixth Circuit

U.S. Court of Appeals for the Eleventh Circuit

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- Represents numerous financial institutions defending TCPA claims across the country.
- Represents numerous financial institutions defending FCRA claims, including claims alleging impermissible accessing of credit reports and failure to investigate across the country.
- Defends and prosecutes escalated reverse mortgage claims in state and federal court across the country.
- Obtained U.S. Court of Appeals for the Eleventh Circuit affirmance of dismissal of FDCPA claim against national credit card company furthering Circuit split.
- Obtained dismissal of qui tam action, alleging submission of false claims to the FDIC.
- Obtained dismissal of state law claims based on FCRA preemption in case of first impression in Arkansas.
- Obtained U.S. Court of Appeals for the Sixth Circuit affirmance of summary dismissal of permissible purpose FCRA claim against auto lender.

Honors & Recognition

- Listed in *The Best Lawyers in America*®, Banking and Finance Law since 2016, Commercial Litigation since 2022, Mass Tort Litigation/Class Actions - Defendants since 2022, Insurance Law (2024)
- *Mid-South Super Lawyers*, Consumer Law (2018-2021)
- *Alabama Super Lawyers*, "Rising Star," Appellate (2011)

News

- Best Lawyers® 2024 Honors 244 Burr Attorneys, Including 17 "Lawyers of the Year"
Firm News, 08.17.2023
- Burr & Forman Launches Blog to Address Telephone Consumer Protection Act Matters
Firm News, 10.08.2012

Speaking Engagements

- "The Art of Direct and Cross Examination," Defense Research Institute, Trial Skills and Damages Seminar
Speaking Engagement, 03.21.2019
- "Servicing for Loan Officers," National Reverse Mortgage Association Western Regional Meeting
Speaking Engagement, 03.20.2018
- "Effective Direct and Cross Examination," University of Alabama School of Law CLE
Speaking Engagement, 12.20.2017
- "At the Corner of Technology & Consumer Law, Telephone Consumer Protection Act - Panel 1 Prerecorded Calls, Called Party and Punitive Damages," 2016 Annual Florida Bar Convention
Speaking Engagement, 06.18.2016
- "The Class Action Fairness Act," American Conference institute's 20th National Forum on Consumer Finance Class Action Litigation, Class Action and Mass Action Developments

Joshua H. Threadcraft

Speaking Engagement, 10.23.2014

Articles

- "Effective Direct and Cross-Examination," Defense Research Institute: *For the Defense* (October, 2019)
Articles / Publications, 10.25.2019
- ATDS Resources - December 2018
Articles / Publications, 12.17.2018
- *Intellectual Property & Technology Law Journal*: What is an Automatic Telephone Dialing System? The New Battleground in TCPA Litigation Since the FCC's Declaratory Ruling
Articles / Publications, 11.30.2016
- American Conference Institute 17th National Forum on Residential Mortgage Litigation & Regulatory Enforcement, Forced Placed Insurance and Appraisal Litigation and Investigation (May 1, 2015)
Articles / Publications, 05.01.2015
- Trial Skills - "Effective Cross-Examination", CLE Presentation, University of Alabama School of Law (December 19, 2014)
Articles / Publications, 12.19.2014

Blog Posts

- Ninth Circuit Holds Text Messages Are Not Prerecorded Calls
Telephone Consumer Protection Act, 08.10.2023
- Pennsylvania District Court Holds Sequential Calls From a List Does not Violate the TCPA
Telephone Consumer Protection Act, 07.21.2023
- New Jersey District Court Dismisses TCPA Case with Prejudice for Failure to Properly Identify Defendant
Telephone Consumer Protection Act, 07.19.2023
- Florida Enacts Significant Amendment to Telephone Solicitation Act
Telephone Consumer Protection Act, 05.26.2023
- Eleventh Circuit Vacates TCPA Class Settlement for Lack of Standing, Suggesting Reconsideration of *Glasser v. Hilton Grand Vacations Co.*
Telephone Consumer Protection Act, 07.28.2022

Civic Activities

- Birmingham Bar Association Civil Courts Procedure Committee (2009-2010)
- Foundry Junior Board
- Member of the servant team for his Sunday school class

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Professional Activities

- Alabama State Bar
- Mississippi Bar Association
- Georgia State Bar
- Florida Bar Association