



## Ashley Pavel

Counsel

Newport Beach

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Ashley Pavel is a skilled litigator who represents financial services providers in their most high-stakes matters. Ashley is experienced in litigation, including class actions and appeals, and regulatory enforcement actions.

Ashley's clients include financial services providers such as national banks, lenders, and mortgage servicers. Ashley currently represents the Puerto Rico Fiscal Agency and Financial Advisory Authority in connection with Puerto Rico's historic Title III restructuring proceedings.

Ashley has litigation and compliance counseling experience under the Fair Credit Reporting Act (FCRA), the Fair Housing Act, the Equal Credit Opportunity Act (ECOA), the Racketeer Influenced and Corrupt Organizations (RICO) Act, and the consumer-protection statutes of numerous states, including California Business & Profession Code Section 17200.

Ashley believes that effective advocacy requires cultivating a deep understanding of her clients' business operations and objectives.

### Experience

- Representing the Puerto Rico Fiscal Agency and Financial Advisory Authority in connection with the Commonwealth of Puerto Rico's restructuring under Title III of the Puerto Rico Oversight, Management, and Economic Stability Act (PROMESA) in numerous contested matters and adversary proceedings

### Admissions

#### *Bar Admissions*

California

#### *Court Admissions*

US District Courts for the Central, Eastern, Northern and Southern Districts of California

US District Court for the Northern District of Illinois

US Court of Appeals for the First and Ninth Circuits

### Education

University of California at Berkeley, J.D.; Senior Articles Editor, *Berkeley Technology Law Journal*; Staff Member, *California Law Review*; Prosser Prize, Jurisprudence Award, and Aldo J. Test Writing Award

University of California at Santa Barbara, B.A., Law and Society, Psychology, and French: Highest Honors; Phi Beta Kappa

- Representing federally chartered financial institution in *qui tam* case relating to loan modification and other loss mitigation programs
- Obtained dismissal of age-related discrimination claims in putative class action against large bank in connection with fee waivers for student customers
- Obtained dismissal with prejudice of RICO and fraud claims against mortgage servicer challenging assessment of property inspection fees and secured affirmance of the decision by the United States Court of Appeals for the Ninth Circuit
- Obtained dismissal with prejudice of claims against a federal savings bank alleging unfair practices in connection with lender placed flood insurance
- Represented a large national bank in a series of state and federal fair lending challenges brought by the City of Los Angeles
- Represented multiple mortgage servicers in putative class actions relating to loan modification practices
- Advised mortgage servicers regarding compliance with OCC, OTS, and CFPB consent orders
- Secured entry of an injunction against a municipality on behalf of a pro bono client to remedy the municipality's non-compliance with a state law requiring designation of zones for potential development of homeless shelters

## Professional Activities

### Externships

- Honorable John Noonan, US Court of Appeals, Ninth Circuit

### Author

- “Robust Causality and Cautionary Standards: Why the Inclusive Communities Decision, Despite Upholding Disparate-Impact Liability, Establishes New Protections for Defendants,” *The Banking Law Journal*, co-authored with Elizabeth McKeen and Bimal Patel (November 2015)
- “The Latest Standing to Foreclose Challenges at Odds with UCC Article III,” *45 U.C.C. L.J* 321, co-authored with Elizabeth McKeen and Danielle Oakley (May 2014)
- “The Use of Eminent Domain To Write Down Mortgage Notes,” *Westlaw Journal Securities Litigation & Regulation*, co-authored with Elizabeth McKeen and Danielle Oakley (December 2012)

## Languages

- French