HUSCH BLACKWELL

Nicholas Agnello

PARTNER

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OVERVIEW

Nick fights for companies in the consumer financial services industry in litigation matters at the trial and appellate level. He practices from Fort Lauderdale, Florida as a member of our virtual office, The Link.

Nick defends companies across the full spectrum of consumer financial services space, from mortgage lending and credit card, to auto finance and retail banking. He regularly addresses claims under a wide range of state and federal laws, including the Fair Credit Reporting Act; Electronic Funds Transfer Act; Telephone Consumer Protection Act; Uniform Commercial Code; Fair Debt Collection Practices Act; Truth in Lending Act; Real Estate Settlement Procedures Act; and Unfair, Deceptive, and Abusive Acts and Practices prohibitions.

Recently, Nick has been particularly active in the fintech space and navigating the unique challenges this sector presents. Nick has also handled specialized matters involving wire fraud, check fraud, identity theft, elder financial exploitation, and other types of financial fraud.

Nick primarily handles clients' Florida portfolios. It's a jurisdiction known for its active and sophisticated consumer bar, and nearly 15 years of practice in the state have made him nimble in adapting strategies to Florida's unique litigation environment.

Nick knew he wanted to be a litigator as early as high school and college: experience on the debate team sparked a passion for advocacy, and the skills developed there—thorough research,

Industry

Financial Services & Capital Markets

Services

Banking & Finance
Commercial Litigation
Consumer Financial Services
Financial Services Litigation
Litigation & Alternative Dispute Resolution

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careful preparation, and clear communication—now shape his approach to litigation. Nick tends to be the most prepared attorney in any courtroom, and he has extensive experience in both trial and appellate courts at both the state and federal level, and in arbitration. He especially loves the challenge of presenting and defending complex arguments before appellate judges and has played a role in shaping favorable new law by securing first decisions and precedential opinions on emerging issues in consumer finance—a track record that often leads to future victories.

Nick brings deep knowledge of the industry and a clear understanding of when to advance a case and when to resolve it. Clients can rely on him to approach each matter with a practical mindset and a commitment to achieving results.

Experience

- Obtained summary judgments in favor of bank clients in numerous identity theft and account takeover cases involving wire transfer, ACH, and debit card transactions.
- Obtained dismissals with prejudice and summary judgments in favor of bank client in numerous cases involving the receipt of allegedly fraudulent wire transfers.
- Obtained first favorable district court decision in Florida on unique standing defense to certain Uniform Commercial Code claims relating to miscarried wire transfers.
- Obtained favorable district court decision for bank client in unique case involving cashier checks obtained using fraudulently obtained funds.
- As appellate counsel, successfully obtained reversal on appeal of a significant money judgment entered against a mortgage lender in a case challenging lender-placed insurance practices.
- Successfully enforced class action settlement against class members who brought, or sought to bring, individual claims in violation of class action settlement and final judgment in cases involving lender-placed insurance.
- Set favorable state court appellate precedent for mortgage lender and mortgage servicing clients regarding the statute of limitations for mortgage foreclosure in Florida.
- Obtained favorable appellate case law limiting the ability of consumers to contest mortgage loan foreclosures after or during the pendency of their bankruptcy.

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Experience

- Obtained favorable district court decisions for mortgage servicing clients alleging violations of federal law relating to mortgage servicing error resolution and loss mitigation.
- Set favorable state court appellate precedent for mortgage lender and mortgage servicing clients regarding claims of wrongful foreclosure.
- Litigated successful line of district court cases effectively ending systemic litigation campaign of a serial filer of manufactured claims under the Truth in Lending Act against mortgage loan servicers.
- Handled more than 50 successful trials for mortgage lending and mortgage servicing clients.
- Obtained, and defended on appeal, vexatious litigant order against serial pro se litigant, preventing the filing of future frivolous pro se lawsuits.
- Obtained dismissals with prejudice of numerous cases relating to debt collection, credit reporting, and repossession in favor of auto finance clients.
- Obtained dismissals with prejudice of numerous cases against credit card client alleging violations of debt collection practices statutes.
- Successfully defended alternative financing products against usuary claims.

Recognition

- The Best Lawyers in America: Ones to Watch, Banking and Finance Law, 2021

Education

- J.D., University of Miami School of Law
    - *magna cum laude*
- B.A., Samford University

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Admissions

- Florida
- U.S. Supreme Court
- U.S. Court of Appeals, Eleventh Circuit
- U.S. District Court, Northern District of Florida
- U.S. District Court, Middle District of Florida
- U.S. District Court, Southern District of Florida

Nicholas is associated with the Washington, DC office for telephone and mail purposes only. He is not admitted to practice in the District of Columbia.

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*Nicholas works remotely and is licensed in Florida, practicing in Fort Lauderdale. Contact Nicholas via email or phone for in-person/virtual meetings. Use the Washington, DC office address for mail/deliveries only.

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