

BIO OF CARY L. FLITTER
ADJUNCT PROFESSOR, WUSL
LUNDY, FLITTER, BELDECOS & BERGER, P.C.
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Qualifications of Counsel

1. I am the partner responsible for litigation with the law firm of Lundy, Flitter, Beldecos & Berger, P.C. with offices in Montgomery County, Pennsylvania and Burlington County, New Jersey. My practice entails a variety of consumer credit matters and other diverse commercial disputes, including consumer class action.

Bar Admissions

2. I have been admitted to the bar for 28 years (1981). I am admitted to practice and in good standing before the United States Supreme Court (1999), the United States Court of Appeals for the Third Circuit (1983), the Fourth Circuit (1990), and the Eighth Circuit (2001); the United States District Court for the Eastern District of Pennsylvania (1981), Middle District of Pennsylvania (1995), District of New Jersey (1981), and the District of Nebraska (2000); the Supreme Court of Pennsylvania (1981) and the Supreme Court of New Jersey (1981).

Teaching Appointments and Academic Guest Lectures

3. a) Widener University School of Law -- Adjunct Professor, Consumer Law & Litigation including Fair Debt Collection Practices Act and federal practice (1999 to present);
b) Temple University, James E. Beasley School of Law -- Appointed to adjunct faculty for 2009-10 academic year to teach Consumer Law and Litigation.
c) Philadelphia University -- Adjunct Professor, Commercial Law (1991 to 1998).

4. I have delivered guest lectures at these academic venues (partial list):

- Harvard Law School, *Consumer Litigation Strategies and the Law of Statutory Attorneys Fees*, March 2007;
- Temple University, Beasley School of Law, *Automobile Dealer Finance Fraud*, October 2002-October 2006;
- University of Houston Law Center, (Symposium for Consumer Law Professors) *Teaching Consumer Law*, May, 2008;
- University of Salvador, School of Law, Buenos Aires, Argentina, *Comparative U.S. Protection Laws*, August 2008;
- University of Utah, SJ Quinney College of Law, *The Law of Deception Under the Fair Debt Collection Practices Act*, March, 2009.

Education

5. 1976 - Philadelphia University - Bachelor of Science in Finance (Recipient, 1997 Hughes Award for the Advancement of Scholarship). President, Alumni Board 1990-92. Member, College Board of Trustees, 1990-92.

1981- Delaware Law School of Widener University - Juris Doctor; American Jurisprudence Award for Scholarship, Corporations and Partnerships; 1998 Outstanding Service Award for dedication and service to the legal community;

National Institute for Trial Advocacy:
1986 - Trial Skills and Methods - University of Pennsylvania.
1990 - Federal and State Court Motion Practice - University of Denver.

Legislative/Administrative Proceedings

6. *Federal Trade Commission, Division of Financial Practices: Panelist, Workshop on Debt Collection -- The Role of Creditors.* Washington DC, October, 2007 (Testimony cited in FTC Final Report found at <http://www.ftc.gov/bcp/workshops/debtcollection/dcwr.pdf>)

Bar Lectures/CLE Presentations

2009

7. Course Planner and Co-Presenter, *Consumer Debt Litigation*, Pa. Bar Institute, Philadelphia, PA (simulcast to 5 Pa. locations), June 2009; Co-Presenter, *Impermissible Access to Consumer Credit Reports*, National Association of Consumer Advocates Fair Credit Reporting Act Conference, Chicago, IL, May 2009; Co-Presenter, *Ethical Issues in Consumer Class Action Practice*, National Consumer Law Center Annual Fair Debt Conference, San Diego, CA, February 2009.

2008

Co-Presenter, CLE: *Doing Well While Doing Good; What Makes a Successful and Fulfilling Consumer Law Practice*, National Consumer Law Center, Portland, OR, October, 2008; Course Planner and Co-Presenter, CLE: *The Third Circuit Comes to Montgomery County*, with Hon. Kent A. Jordan, U.S.C.A. and Hon. Marcia Waldron, Clerk, U.S.C.A. *Effective Appellate Advocacy in the 3d Circuit Court of Appeals*, Montgomery Bar Association, Norristown, PA, November, 2008.

2007

Co-Presenter, *Civil Remedies for Identity Theft*, Widener University School of Law, Wilmington, DE, August 2007; Presenter, *Permissible Uses of Consumer Credit Reports*, National Association of Consumer Advocates Fair Credit Reporting Conference, Denver, CO, May 2007; Course Planner and Co-Presenter: *Consumer Credit Litigation Developments*, Pa. Bar Institute, Philadelphia and Allentown, PA, March 2007; Co-Presenter: *FDCPA Developments, Ask the Experts*, National Association of Consumer Advocates Fair Debt Collection Practices Conference, Tucson, Arizona, March, 2007;

2006

Course Planner and Co-Presenter, *FDCPA After Brown v. Card Service Center: What is Deceptive?*, Pa. Bar Institute Webcast, Philadelphia, December, 2006; Co-Presenter, *Developments in Class Trial Plans*, National Consumer Law Center Class Action Symposium, Miami, FL, November, 2006; Presenter, *Impermissible Access to Consumer Credit Reports*, National Association of Consumer Advocates, Las Vegas, NV, May, 2006; Co-Presenter, *Fair Debt Collection Practices Act Developments, Ask the Experts*, National Association of Consumer Advocates, Austin, TX, February 2006;

2005

Course Planner & Co-Presenter, *Consumer Credit Litigation Developments*, Montgomery Bar Association, Continuing Legal Education, November 2005; Co-Presenter, *Identity Theft, (Including FCRA Remedies)* Pa. Bar Institute, Continuing Legal Education, Atlantic City, NJ, August 2005; Co-Presenter, *Settling Complex Financial Services Class Actions*, and Co-Presenter, *Developments in Automobile Financing & Leasing Litigation*, Practising Law Institute, 10th Annual Consumer Financial Services Litigation Institute, Chicago, IL, June 2005; Course Planner, Co-Presenter, *Identity Theft: Don't Be Their Next Victim*, Widener University

School of Law, Wilmington, DE, Continuing Legal Education, April, 2005; Presenter, *Fair Debt Collection Practice Act Developments*, National Association of Consumer Advocates, Washington, DC, March 2005;

2004

Co-Presenter, *Insurance Coverage for Consumer Credit Disputes*, National Consumer Law Center Annual Conference, Boston, MA, October 2004; Co-presenter, *Identity Theft*, Pa. Bar Institute, Continuing Legal Education, April 2004 Philadelphia (Simulcast to Harrisburg); Presenter, *Fair Debt Collection Practices Act Developments*, National Association of Consumer Advocates, Kansas City, MO, April 2004; Presenter, *Developments in Law of Access to Consumer Credit Reports*, National Association of Consumer Advocates Fair Credit Reporting Act Symposium, Chicago, IL, May 2004;

2003

Civil Remedies for Identity Theft, Montgomery Bar Association, Continuing Legal Education, October 2003; *Fair Debt Collection Practices Act ABC's*, National Consumer Rights Litigation Conference, Oakland, California, October 2003; Co-Presenter *Class Action Symposium: Developments in the Law of Plaintiff Adequacy Under Rule 23(a)(4)*, National Consumer Rights Litigation Conference, Oakland, California, October 2003; *A Primer on Consumer Law for the Bankruptcy Practitioner*, Pennsylvania Bar Institute Annual Bankruptcy Symposium, Harrisburg, PA, September 2003, Philadelphia, PA, August 2003; *A Current Look at Federal Court - - the Eastern District of Pennsylvania* with Hon. Edmund Ludwig and Hon. Linda Caracappa, Bucks County Bar Association, April 2003; Course Co-Planner and Presenter; *Developments in Statutory Attorneys Fees* with Hon. Lowell Reed and Timothy Myers, Esq., Montgomery Bar Association, April 2003;

2002

Use of Expert Witnesses in Consumer Financial Services Litigation, American Bar Association, Section on Consumer Financial Services @ Annual Conference, Washington, DC, August, 2002; *Consumer Law Alternatives to Bankruptcy*, Pennsylvania Bar Institute, Annual Bankruptcy Symposium, Philadelphia, Pennsylvania, August, 2002; Course Co-Planner and Presenter: *Impermissible Access to Consumer Credit Reports*, National Association of Consumer Advocates, Albuquerque, New Mexico, June 2002; *Auto Dealer Finance Fraud*, Montgomery Bar Association, Debtor/Credit Committee Presentation, May 2002; Course Co-Planner and Presenter: *Issues in Consumer Law, Consumer Credit Protection Act*, Iowa Legal Services Corporation (simulcast to 10 locations), Council Bluffs, Iowa, February 2002;

2001

Consumer Law Developments 2001, Montgomery Bar Association, Continuing Legal Education - December 2001; *Issues in Using Financial Experts After Daubert and Kuhmo Tire*, National Consumer Rights Litigation Conference, Baltimore, Maryland - October 2001; Denver, Colorado - October 2000; *Developments Under the Fair Credit Reporting Act*, National Association of Consumer Advocates, Las Vegas, Nevada - June 2001;

2000

Statutory Attorney's Fees with Honorable William H. Yohn, Jr. and Mark Kearney, Esquire, Montgomery Bar Association - July 2000;

1999

Consumer Law for Fun & Profit, Montgomery Bar Association, Continuing Legal Education - 1999, 1998, 1997; *Statutory Attorney's Fees*, National Consumer Rights Litigation Conference, Washington, DC - October 1999; San Francisco - 1996 (partial list).

Publications

8. Contributing author, *Pennsylvania Consumer Law* by Carolyn Carter, Bisel Publishing Co., 2003, Supp. 2008. This is the leading legal treatise in Pennsylvania on consumer law issues.

9. Contributor, *Consumer Class Actions*, 5th Ed., National Consumer Law Center, Boston, MA.

10. Legal Intelligencer - *When is a Lawyer a Debt Collector?* - February 2000; Legal Intelligencer - *Consumer Protection Law Amendments Add Teeth* - March 1997; The National Law Journal - *Statutory Attorney's Fees* - February 1999 (partial list).

Quoted/Featured/Contributed

11. NBC10 TV News - *Fight Back Against Abusive Debt Collectors*, Tracey Davidson segment, March 31, 2009; Fox29 TV News - *Local Pay Day Lender Dumping Financial Documents*, January 2009; New York Times - *Citing 15 Year Delay, Suit Seeks Action on Rebuilt Wrecks* - Feb. 10, 2008 (automobiles); Fox29 TV News - 2007; Time Magazine - *Sue Up or Shut Up!* - October 19, 2006 - www.time.com/time/nation/printout/0,8816,1548158,00.html; Consumer Financial Services Law Report - *A Dunning Letter that Could Propose Legal Action may Violate FDCPA* - October 18, 2006; ABA Journal EReport - *Coulda Woulda Shouldn'ta Debt Collectors Who Warn They Could (But Don't) Sue May Run Afoul of Debt Act* - October 18, 2006 - www.abanet.org/journal/ereport/oc13debt.html; Fox 29 TV News Consumer Alert: *Local Car Dealership Customers Victimized by ID Theft* - August, 2006; Consumer Financial Services Law Report, *Do the Math: FDCPA Class Action Award Depends on Statutory Language* - August, 2006; NBC10 TV News Consumer Alert - *Legal Redress for Fraudulent Sales* - April 11, 2006; Debt Collection Compliance Alert: *Avoid These Traps - 6 Mistakes that Can Get You Sued* - July 2005; Consumer Financial Services Law Report: *Liability May Follow Deviation From FDCPA Notice Language* - May 18, 2005; Consumer Financial Services Law Report: *ID Theft Claim Against Car Dealer Shifts Into Gear* - August 11, 2004; ; Philadelphia Inquirer, *"Montgomery County Car Dealer to Face Class Action for Identity Theft"* - October 2002; Consumer Financial Services Law Reporter, *"Advantages and Disadvantages of Using Expert Witnesses in Consumer Finance Litigation"* - August, 2002; Bankrate.com: *"Consumer Remedies Under the Fair Credit Billing Act"* - June 2002; NBC-10 TV News: *"Consumer Online Chat"* - January 2001; Fox-29 TV News: *"Automobile Financing Fraud"* - November 2000; CBS News Market Watch: *"Effect of Credit Repair Organizations Act"* October 2000; Fox-29 TV News: *"Predatory Lending"* - October 2000; Pennsylvania Lawyer Magazine: *"Sleuthing Through the Ledger"* - January/February 1999; Legal Intelligencer: *"Kelly: 9.5 Million Damage Range Not Specific Enough for Discovery"* - June 1998; Legal Intelligencer: *"Class Action Settlement Worked out with Bally's Collection Attorney"* - July 1997.

Bar Association Appointments/Honors

12. I serve as the year 2009 Co-Chair of the Federal Courts Committee of the Montgomery Bar Association. In that capacity, I assist in liaison projects between the County Bar and the Eastern District bench and Third Circuit bench; events and visits by our judges and planning and presentation of CLE program(s) on federal practice developments. I have also served as Co-Chair of that committee in 2000 and 2002-2007. We were honored with Committee of the Year Award (2000) by the president of the Montgomery Bar Association.

13. I was appointed by (then) Chief Judge Giles to the E.D. Pa. Magistrate Judge Retention Panel, 2003-04. I was appointed by Chief Judge Bartle to the Magistrate Judge Selection Panel, 2006.

14. I was honored to receive the Jeffrey A. Ernico Award for Support of Legal Services to the Public by the President of the Pennsylvania Bar Association in October of 2006.

Recent Representative Cases

There are well over 100 reported federal decisions in which I was counsel of record, available on Westlaw. Significant recent cases include:

Rosenau v. Unifund, 539 F.3d 218 (3d Cir. 2008) (Challenge to phony “Legal Dept.”)

Brown v. Card Service Center, 464 F.3d 450 (3d Cir. 2006) (False Suggestion of Suit as deceptive under Fair Debt Collection Practices Act)

McGee v. Continental Tire, 2007 WL 2462624 (D.N.J. Aug. 27, 2007) (Federal Jurisdiction over Magnuson-Moss Warranty Claims) *final class approval at* 2009 WL 539893 (DNJ, March 4, 2009)(\$8M class settlement to purchasers of defective tires)

Watson v. NCO Group, 462 F.Supp.2d 641 (E.D. Pa. 2006) (In case of first impression, holding Robot Collection Calls to Non-Debtor Consumer prohibited by Telephone Consumer Protection Act, not Exempted by FCC Regulation)

Ciccarone v B.J. Marchese, Inc., 2004 WL 2966932 (E.D.Pa. Dec. 22, 2004)(final approval to \$2.45M settlement in Identity Theft class action)