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**Brian M. Bennett**

Title: Member

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Brian is an attorney in the Louisville office, where he is a member of the Creditors' Rights & Bankruptcy Service Group.

Brian's practice focuses on lender liability actions, contested mortgage litigation, consumer protection litigation (TILA, RESPA, FDCPA, FCRA, TCPA), commercial foreclosure, forcible detainer & eviction and other real estate disputes, residential and commercial compliance, and general commercial litigation in state and federal courts.

Brian has served on the Louisville Office Recruiting Committee since 2011 and served as the Louisville Office Summer Associate program coordinator during summer 2017. He is also a member of the firm's Diversity Committee.

# CAPABILITIES

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## Practice Areas

- Creditors' Rights & Bankruptcy
- Creditors' Rights, Out-of-Court Workouts & Commercial Litigation
- Financial Institutions
- Financial Services Litigation
- Loan Servicing (Master & Primary)
- Loan Servicing (Special)

## RECENT ASSIGNMENTS

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- Successfully defended appeal challenging lender's standing to enforce loan documents
- Obtained summary judgment in state court involving alleged fraud, intentional infliction of emotional distress, and breach of contract during loan modification review
- Counsel for mortgage servicer in bench trial of state court case involving attempted invalidation of mortgage and common law claim for breach of contract
- Obtained summary judgment for mortgage servicer in state court residential foreclosure action involving alleged rescission under the federal Truth-in-Lending Act
- Received judgment and repossession of secured collateral for client at the bench trial of a state court action where client's secured collateral changed hands multiple times

## BAR ADMISSIONS

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- Indiana
- Kentucky
- U.S. District Court for the Eastern District of Kentucky
- U.S. District Court for the Western District of Kentucky

## RECENT NEWS, ARTICLES & SPEAKING ENGAGEMENTS

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- Better Understand the Scope and Extent of the Fair Credit Report Act  
Lorman Live Webinar, July 29, 2022
- FDCPA Scope and Coverage: Mistakes the CFPB Is Looking For  
Avoiding Current FDCPA and Foreclosure Compliance Mistakes, NBI Seminars, March 14, 2022
- CFPB and FDCPA Compliance Issues in Foreclosure  
Avoiding Current FDCPA and Foreclosure Compliance Mistakes, NBI Seminars, March 14, 2022
- Update on Bank Litigation  
Speaker, Conference on Legal Issues for Financial Institutions, October 23, 2020
- GSEs Announce New Fee for Consumer Residential Loan Refinances: Lenders Brace for Added Costs and Potential Compliance Concerns *Stites & Harbison, PLLC*. Stites & Harbison Client Alert, August 18, 2020
- Collecting a Judgment  
Webinar, July 8, 2020
- Asset Recovery Orders/Replevin Overview & Local Rules  
Webinar, June 30, 2020
- Other Consumer Protections  
FDCPA and Collection Law, National Business Institute Seminars, Louisville, KY, June 8, 2018
- What Bankruptcy Attorneys Should Know About RESPA and Mortgage Servicers  
co-presenter, 14th Biennial Consumer Bankruptcy Law Conference, UK Law Continuing Legal Education, Lexington, KY, March 22, 2018
- Mentoring Works with Big Brothers Big Sisters  
*Bar Briefs*, Louisville Bar Association, February 2017
- Are you subject to the FDCPA?  
The FDCPA & CFPB: What Debt Collectors Must Know for 2017!, National Business Institute seminars, Webcast, December 27, 2016

- The FDCPA and CFPB's Role in 2017  
The FDCPA & CFPB: What Debt Collectors Must Know for 2017!, National Business Institute seminars, Webcast, December 27, 2016
- Legal Descriptions  
and "Title Insurance Dissection - Real-World Examples," Legal Descriptions, Title Insurance and Surveys in Real Estate Transactions, National Business Institute Seminars, April 4, 2016
- An emphasis on experience: Law firms have the seasoned talent today's business clients demand  
by Robert Hadley, *The Lane Report's* 2015-16 Market Review of Central Kentucky, November 2015
- Continuous change expected as lawyer's career progresses  
*Business First of Louisville*, March 20, 2015
- Enforcing Forum-Selection Clauses Under Federal and Kentucky Law  
co-author, *Bar Briefs*, August 1, 2014
- Recovering Runaway Collateral (Even Across State Lines) *Stites & Harbison, PLLC*. Stites & Harbison Client Alert, June 30, 2014
- Recent Developments from the Dodd-Frank Act  
Creditors' Rights Conference, Keeneland, April 2014
- Kentucky Mortgage Loan Companies and Mortgage Loan Brokers  
a chapter of UK/CLE Real Estate Law and Practice Handbook, 4th ed. (2013), co-authored with [Richard A. Vance](#)
- CFPB and the Dodd-Frank Act  
with Katherine A. Bell, Creditors' Rights & Bankruptcy Seminar, Keeneland Creditors' Rights Conference, Lexington, KY, April 2013
- Kentucky Attorney General offers protection for secured lenders *Stites & Harbison, PLLC*. Stites & Harbison, PLLC, Client Alert, November 7, 2012
- Case Law and Legislative Update  
Old Republic National Title Insurance Company 2012 Kentucky Agency Seminar, June 19, 2012
- Reconsidering the Motion to Reconsider with [Chadwick A. McTighe](#) Bar Briefs, June 1, 2012

- Federal law forces banks to reassess their garnishment procedures *Stites & Harbison, PLLC*.  
Stites & Harbison, PLLC, Client Alert, February 24, 2012
- Bankruptcy Claims Trading: Mechanics, Strategies, and Ethics *Stites & Harbison, PLLC*.  
presentation to Louisville Bar Association, Louisville Bar Center, Louisville, Ky., June 24, 2011

## FIRM LEADERSHIP

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- Diversity Committee, Member
- Louisville Office Recruiting Committee, former Member

## MEMBERSHIPS

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- American Bar Association
- Kentucky Bar Association
- Louisville Bar Association

## COMMUNITY INVOLVEMENT

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- The Louis D. Brandeis American Inn of Court, Brandeis Inn of Court, Barrister member
- March of Dimes, Greater Louisville Market, Board Member; 2020 Event Chair for the Greater Louisville March for Babies (Bennett Family, including Bennett's wife & triplet sons, to serve as the Ambassador Family)
- Capital Access Corporation-Kentucky, Board Member
- Louisville Bar Association, Young Lawyers Section, Vice Chair (2014); Chair (2015)
- Legal Aid Society, Domestic Violence Advocacy Program, Volunteer Attorney (2012-2016)
- Leadership Louisville Center, Focus Louisville, Graduate (2014); Ignite Louisville, Graduate (2015)
- Big Brothers Big Sisters of Kentuckiana, Volunteer Big Brother (2006-present); Big Leadership Team, Vice-President (2016-17)
- Credit Abuse Resistance Education (C.A.R.E), Presenter
- Beargrass Christian Church, Young Adults Committee; Legal Committee
- Sigma Chi Fraternity, Iota Lambda Chapter, House Corporation President

## EDUCATION

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University of Louisville Louis D. Brandeis School of Law J.D. *cum laude* 2011

- *University of Louisville Law Review*, Editorial Board, Notes Editor, 2010-11
- Highest Grade Award in Contracts I, Civil Procedure II, Basic Legal Skills and Legal History
- Brandeis Inn of Court, Student Member, 2010-11
- Moot Court Board, Vice President of Administration, 2010-11
- Recipient of the Kentucky District Judges Award for Outstanding Trial Advocacy, 2011
- Brandeis School of Law National Trial Team, 2009-10
- Honor Council, Chairman, 2010-11 & Member, 2009-10
- Robert W. Zollinger Memorial Award, 2011
- Brandeis Academic Fellow, 2009-10
- Student Government Association Supreme Court, Associate Justice, 2010-11
- Student Bar Association, 1L Class Representative, 2008-09
- Mae Elizabeth Kaufman and Theresa Coffman Scholarship, 2009-10

University of Louisville B.S., Political Science *magna cum laude* Minor in Administration of Justice 2008

- Student Government Association, Chief of Staff & Director of Outreach (2007-08)
- Sigma Chi Fraternity, Iota Lambda Chapter President (2007)
- University of Louisville Student Orientation Staff (2006-08)
- Mr. Cardinal (Outstanding Graduate) (2008)
- Homecoming King (2006)



## MORE THAN STITES & HARBISON

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Mr. Bennett has a passion for mentoring and has served as a volunteer for Big Brothers Big Sisters of Kentuckiana since 2006. He is also a board member of Capital Access Corporation-Kentucky. Brian is an avid runner and a lifelong fan and supporter of the University of Louisville. He also enjoys spending time with his wife, Chelsea, and his triplet sons, Aiden, Bryson, and Theo. A Louisville native, Mr. Bennett participated in the firm's summer associate program in 2009 and also clerked with the firm during his final semester of law school.

## ACCOLADES

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- *Best Lawyers in America®*, Bankruptcy & Creditor Debtor Rights / Insolvency and Reorganization Law (2022-23)
- *Best Lawyers in America®*, Ones To Watch, Bankruptcy & Creditor Debtor Rights / Insolvency and Reorganization Law; Litigation - Antitrust; and Litigation - Bankruptcy (2021)
- *Kentucky Super Lawyers®*, Rising Star (2021)