

ANNOUNCEMENTS

Benesch's Class Action Team Achieves Noteworthy Win

MAY 23, 2016

Benesch's class action team achieved a noteworthy win last week. Geauga County and Brown County, Ohio, though their respective Prosecutors, brought a putative class action against MERSCORP Holdings, Inc. and several financial institutions for damages, declaratory, and injunctive relief, alleging that defendants failed to record all mortgage assignments in county recording offices in violation of Ohio law, and in the process failed to pay the attendant recording fees purportedly required by law. Plaintiffs sought to certify a class consisting of all 88 Ohio counties.

Last week, the Geauga County Court of Common Pleas dismissed plaintiffs' action, stating that that "the Ohio General Assembly has not mandated that all mortgages and assignments of mortgages must be recorded with the County Recorder of the county in which the subject real property is situated. This Court agrees with the Defendants' contention that the recording statutes provide a mechanism or method by which property owners, mortgagors and mortgagees, and assignors and assignees may record deeds, mortgages, and assignments to establish public record of title and protect priority of lien interests, but that the recording of deeds, mortgages, and mortgage assignments is not mandatory." In so ruling, the Court held that plaintiffs lacked standing to pursue their damages and injunctive relief claims and that their complaint failed to state claims upon which relief could be granted.

Jeremy Gilman was co-counsel for MERSCORP Holdings, Inc. Joe Castrodale was counsel for defendant HSBC Bank U.S.A. N.A.