

Thomas M. Schehr

Member

Detroit

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Areas Of Practice

Litigation

Business & Commercial

Financial Services Litigation –
Consumer

Financial Services Litigation –
Commercial

Health Care

Industries

Financial Industry Group

Commercial Mortgage-Backed
Securities Special Servicer Group

Automotive Industry Group

Bar Admissions

Michigan, 1997

Court Admissions

U.S. District Court, Eastern District
of Michigan

U.S. District Court, Western
District of Michigan

U.S. District Court, Northern
District of Illinois

U.S. District Court, Northern
District of Ohio

U.S. Court of Appeals, 6th Circuit

U.S. Court of Appeals, 7th Circuit

U.S. Court of Appeals, 8th Circuit

U.S. Court of Appeals, 9th Circuit

Education

Wayne State University, J.D., *cum
laude*

Thomas M. Schehr is the Director of Dykema's Financial Industry Group. He represents clients in complex litigation, including financial services, shareholder, contract, real estate, trade secret, and health care disputes.

Mr. Schehr has a strong track record at the trial and appellate levels of federal and state courts and in arbitration. He has successfully handled significant cases for the financial services industry, including *Residential Funding Co., LLC v. Saurman*, 490 Mich. 909 (2011), where the Michigan Supreme Court reversed a Court of Appeals decision holding that tens of thousands of foreclosures by advertisement conducted by Mortgage Electronic Registration Systems, Inc. were void *ab initio*, and *Conlin v. Mortgage Electronic Registration Systems, Inc.*, 714 F.3d 355 (6th Cir. 2013), where the Sixth Circuit affirmed dismissal of claims of robo-signing and fraud and upheld a contested foreclosure. He has obtained million-dollar judgments following jury trials in business litigation involving shareholder claims; an award of \$13 million in an international arbitration involving a contract dispute (result is public record); successful results in health care disputes, including administrative proceedings and medical staff matters; and successful defense judgments following trials in trade secret, real estate, and contract disputes.

Mr. Schehr has served in a number of leadership roles. He currently serves as Co-Chair of the State Bar of Michigan's Financial Institutions Committee and as Co-Chair of the American Bar Foundation's Fellows program in Michigan. He is a Past President of the Eastern District of Michigan Chapter of the Federal Bar Association. He has served as a court-appointed discovery master in federal cases, as a court-appointed expert for discovery issues in state court, and is a Certified Commercial Arbitrator for the American Arbitration Association. He also served for seven years as one of Dykema's Litigation Practice Group Leaders before becoming Director of Dykema's Financial Industry Group, which includes over 100 lawyers across all offices of the Firm. He has been recognized by several publications for outstanding legal practice, including *The Best Lawyers in America*® and *Michigan Super Lawyers*®, among others. Before joining Dykema, Mr. Schehr served as a law clerk to the Honorable Avern Cohn, United States District Judge for the Eastern District of Michigan (1997-99).

Significant Decisions

- *Lundbom v. Schwan's Home Service, Inc.*, 2020 U.S. Dist. LEXIS 91577 (D. Or. 2020). Won summary judgment in putative TCPA class action in which court found that plaintiff provided prior express written consent to receive telemarketing text messages.

• Order of the Coif
Michigan State University, B.A.

- *William Beaumont Hospital – Royal Oak v. Price*, 2020 U.S. Dist. LEXIS 69207 (E.D. Mich. 2020). Won reversal of decision by the Secretary of Health and Human Services denying Medicare reimbursement, in which the Court found that HHS’s decision was arbitrary and capricious and entitled to no deference.
- *Gallatin Manor, LLC v. PNC Bank, N.A.*, 2020 U.S. Dist. LEXIS 49397 (E. D. Mich. 2020). Obtained dismissal of claims under Article 9 of the UCC relating to a commercial lending transaction.
- *Gutierrez v. First National Bank of America*, 2018 U.S. Dist. LEXIS 162620 (D. Md. 2018). Successful defense of putative class action under Truth in Lending Act, in which court found plaintiffs lacked Article III standing under *Spokeo*.
- *Ally Bank v. Lenox Fin. Mortg. Corp.*, 2018 U.S. Dist. LEXIS 4501 (D. Minn. 2018). Won summary judgment on claims of breach of contract and indemnity under correspondent lending agreements.
- *United States v. Krasicky and PNC Bank, NA*, 2016 U.S. Dist. LEXIS 42057 (E.D. Mich. 2016). Won dismissal of tax claims brought by Department of Justice.
- *Smith v. Delta Funding Corp.*, 2016 U.S. Dist. LEXIS 16604 (E.D. Mich. 2016). Successful defense of putative consumer class action.
- *Best v. Ocwen Loan Servicing LLC*, 2016 U.S. Dist. LEXIS 3441 (E.D. Mich. 2016). Won dismissal of claims under the Real Estate Settlement Procedures Act, which was affirmed by Sixth Circuit.
- *Ally Bank v. Bay-Valley Mortg. Group*, 2015 U.S. Dist. LEXIS 191420 (D. Minn. 2015). Won summary judgment on breach of contract claim, and recovered attorneys’ fees under correspondent lending agreement.
- *Lindberg v. Bank of Am., N.A.*, 2015 U.S. Dist. LEXIS 151551 (W.D. Mich. 2015). Obtained dismissal of RICO claim.
- *Johnson v. Mortg. Elec. Registration Sys.*, 2014 U.S. Dist. LEXIS 164761 (E.D. Mich. 2014). Obtained dismissal of claims involving the Servicemembers Civil Relief Act.
- *Cohen v. Schonscheck*, 2014 U.S. Dist. LEXIS 34798 (E.D. Mich. 2014). Won appeal from bankruptcy court in business dispute.
- *Connolly v. Deutsche Bank National Trust Co.*, 581 Fed. Appx. 500 (6th Cir. 2014). Won appeal involving claims of wrongful foreclosure and slander of title.
- *Khoshiko v. Deutsche Bank Trust Co. Ams.*, 574 Fed. Appx. 539 (6th Cir. 2014). Won appeal regarding claim that borrower was entitled to a loan modification under Michigan law.
- *Nahabedian v. OneWest Bank, FSB*, 556 Fed. Appx. 389 (6th Cir. 2014). Prevailed on appeal involving probate exception to federal jurisdiction.
- *Thill v. Ocwen Loan Servicing, LLC*, 8 F. Supp. 3d 950 (E.D. Mich. 2014). Obtained dismissal of breach of contract, tortious interference, fraud, conspiracy, and statutory claims.
- *Conlin v. Mortgage Electronic Registration Systems, Inc.*, 714 F.3d 355, (6th Cir. 2013). Sixth Circuit affirmed dismissal of claims of robo-signing and fraud relating to an assignment of mortgage under Fed. R. Civ. P. 12 (b)(6), which was a significant win for the financial services industry.

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- *Nora v. Residential Funding Co., LLC*, 543 Fed. Appx. 601 (7th Cir 2013). Seventh Circuit affirmed dismissal under *Rooker-Feldman* doctrine.
- *Authorized Integrators Network, LLC v. Wirepath Home Sys., LLC*, 2013 WL 3179505 (E.D. Mich. 2013). Obtained denial of motion to dismiss in breach of contract and indemnity case.
- *Wyandotte Professional Bldg., LLC v. KeyBank, N.A.*, 2013 WL 5449786 (E.D. Mich. 2013). Obtained dismissal of claims for defamation and negligence regarding commercial loan.
- *Lowry Holding Company, Inc. v. Geroco Tech Holding Corp.*, 2012 WL 1890231 (Mich. App. 2012). Won dismissal of claims under Michigan's Uniform Trade Secrets Act and for breach of contract and tortious interference with a business relationship, which was affirmed by Michigan Court of Appeals.
- *Collins v. Wickersham*, 862 F.Supp.2d 649 (E.D. Mich. 2012). Won dismissal of putative class action asserting claims of wrongful foreclosure and violations of the Real Estate Settlement Procedures Act.
- *Awad v. General Motors Acceptance Corp.*, 2012 WL 1415166 (Mich. App. 2012). Michigan Court of Appeals affirmed dismissal of complaint contesting foreclosure after expiration of redemption period based on lack of standing.
- *Schare v. Mortgage Electronic Registration Systems, Inc.*, 2012 WL 2031958 (E.D. Mich. 2012). Won dismissal of putative class action asserting claims of wrongful foreclosure.
- *Residential Funding Co. v. Saurman*, 490 Mich. 909 (2011). Michigan Supreme Court reversed a Court of Appeals decision holding that tens of thousands of foreclosures by advertisement conducted by Mortgage Electronic Registration Systems, Inc. were void *ab initio*.
- *Armstead v. Diederich, et al.*, 2011 WL 2936802 (Mich. App. 2011). Michigan Court of Appeals affirmed dismissal of physician's complaint against major hospital system, finding Michigan's peer review statutes and federal Health Care Quality Improvement Act barred claims.
- *Mekani v. Homecomings Financial, LLC*, 752 F.Supp.2d 785 (E.D. Mich. 2010). Successful defense of lender on claims under Real Estate Settlement Procedures Act and Fair Housing Act.
- *BP Products North America Inc. v. Canton Holdings, LLC*, 2009 WL 2605359 (Mich. App. 2009). Michigan Court of Appeals affirmed permanent injunction issued after bench trial for enforcing deed restriction on real property.
- *Thielen v. GMAC Mortgage Corp.*, 671 F.Supp.2d 947 (E.D. Mich. 2009). Obtained dismissal of claims under Truth In Lending Act and Home Ownership and Equity Protection Act.
- *Barkho v. Homecomings Financial, LLC*, 657 F.Supp.2d 857 (E.D. Mich. 2009). Successful defense of lender on claims under Truth In Lending Act, Home Ownership and Equity Protection Act, Fair Credit Reporting Act, and usury statute.
- *Hanning v. Homecomings Financial Network, Inc.*, 436 F. Supp. 2d 865 (W.D. Mich. 2006). Obtained summary judgment regarding claims of fraud and usury concerning a loan transaction.
- *BP Products North America Inc. v. Haidar Van Dyke, LLC*, 408 F. Supp. 2d 323 (E.D. Mich. 2005). Won judgment for oil company in breach of contract and real estate dispute regarding the enforceability of a use restriction.
- *Dedvukaj v. Equilon Enterprises, LLC*, 132 Fed. Appx. 582 (6th Cir. 2005), affirming 301 F. Supp. 2d 664 (E.D. Mich. 2004). Successfully defended oil company against claims brought under contract and the Petroleum Marketing Practices Act.
- *Wilson v. Homecomings Financial Network, Inc.*, 407 F.Supp.2d 893 (N.D. Ohio 2005). Obtained dismissal of usury claim.
- *Mills v. EquiCredit Corp.*, 294 F. Supp. 2d 903 (E.D. Mich. 2003); 344 F. Supp. 2d 1071 (E.D. Mich. 2004); affirmed, 2006 WL 455158 (6th Cir. 2006). Represented lender in case involving a question of first impression under Michigan's Consumer Protection Act. Federal district court issued first published decision finding lender exempt under the Michigan Consumer Protection Act. Summary judgment in favor of lender was affirmed by Sixth Circuit.
- *Worthy v. World Wide Financial Services, Inc., et al.*, 347 F. Supp. 2d 502 (E.D. Mich. 2004); affirmed, 2006 WL 2188931 (6th Cir. 2006). Successfully defended claims under Truth in Lending Act and Bankruptcy Code.

Publications

A Primer on Virtual Litigation Practice
 May 7, 2020
 State Bar of Michigan

Thomas M. Schehr (Cont.)

"Article III Standing in the Sixth Circuit After *Spokeo*"

Spring 2020

Michigan Business Law Journal

"Trends in HAMP Litigation"

February 2015

Journal of Taxation and Regulation of Financial Institutions

"Borrowers' Challenges to Loan Modification Procedures and the Exclusive Statutory Remedy"

Fall 2013

Michigan Business Law Journal

"Using Forensic Accounting in Trust Disputes"

Spring 2013, Vol. 14, No. 3

ABA Commercial & Business Litigation

"MERS Weathers The Storm"

July 2013

Mortgage Banking Magazine

"The Home Affordable Modification Program and A New Wave of Consumer Finance Litigation"

June 2012

Michigan Bar Journal

News

Thomas Schehr and Jared Kemper Co-Author Article for *Journal of Taxation and Regulation of Financial Institutions*
March 3, 2015

Dykema Financial Services Lawyers to Attend MBA 2014 Legal Issues and Regulatory Compliance Conference
March 27, 2014

Fifty-Nine Dykema Lawyers Named to 2013 Michigan *SuperLawyers*
September 5, 2013

Tom Schehr, Andrew Kolozsvary Co-Author Article in *Mortgage Banking Magazine*
July 10, 2013

Thomas Schehr Co-Authors Article on Use of Forensic Accounting in Trust Disputes
June 4, 2013

Schehr and Mitchell Published in *Michigan Bar Journal*: "The Home Affordable Modification Program and A New Wave of Consumer Finance Litigation"
June 18, 2012

Memberships & Involvement

- Past President, Federal Bar Association, Eastern District of Michigan Chapter, 2014-2015
- Co-Chair, Financial Institutions Committee, State Bar of Michigan Business Law Section
- Life Fellow and Michigan Fellows Co-Chair, American Bar Foundation
- American Arbitration Association: Certified Commercial Arbitrator
- Local Rules Advisory Committee of the United States District Court for the Eastern District of Michigan, 2006-2012
- Fellow, Oakland County Bar Foundation
- American Bar Association

Thomas M. Schehr (Cont.)

Awards & Recognition

Recognized in *The Best Lawyers in America*® 2013-Present for Commercial Litigation. Copyright 2015 by Woodward/White, Inc., Aiken, SC

Recognized in *Michigan Super Lawyers*® for Business Litigation, 2013-Present

Named a Top Lawyer by *dbusiness Magazine* for Commercial Litigation, 2015 & 2018

Named a Michigan Leading Lawyer in the area of Commercial Litigation Law by the *Leading Lawyers Network*, 2014-2017.
Law Bulletin Publishing Company