

Amundsen Davis Successfully Obtained a Dismissal of a Class Action Brought as an Adversary Proceeding in Bankruptcy Court

On behalf of its client, a financial institution, Amundsen Davis successfully obtained dismissal of a class action lawsuit, brought as an adversary proceeding in bankruptcy court, with prejudice. The plaintiff alleged that the financial institution improperly filed proofs of claim in the bankruptcy court and, based on that, advanced numerous state law causes of action. In moving to dismiss the matter, Amundsen Davis successfully argued that the plaintiff's claims were preempted by the Bankruptcy Code and could not be brought as an adversarial proceeding in bankruptcy court. The court adopted the financial institution's arguments in whole and found that plaintiff could not bring any of her claims, thereby ending the class action before it started.

PROFESSIONALS

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