

# Jacqueline Aiello

## Associate

New York, NY

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Jacqueline Aiello concentrates her practice in the areas of commercial litigation, mortgage and lending litigation, banking litigation, and creditor's rights. She has experience with handling matters for several nationwide loan servicers, trusts and mortgage banking institutions. She has successfully defended against affirmative suits commenced by borrowers against lenders involving quiet title actions, Article 15 proceedings, Telephone Consumer Protection Act (TCPA) suits, Fair Debt Collection Practices Act (FDCPA) suits, Consumer Fraud suits and tort claims on properties owned by mortgage companies.

Prior to joining Stradley Ronon, Jacqueline was an associate at a nationwide law firm in New York focusing on mortgage lending litigation and creditors' rights.

## RESULTS

- dismissed multimillion-dollar personal injury action in the Second Circuit Court of Appeals commenced against nationwide mortgage and lending institution stemming from a fire at a property owned by the lending institution
- dismissed TCPA suit involving over 500 auto-dialed telephone calls to the plaintiff's cellphone, on the basis that plaintiff provided irrevocable contractual consent to be called via an auto-dialer by failing to opt out of a prior TCPA class action settlement
- secured the voluntary dismissal of an FDCPA suit in which Consumer claimed defendant sent a collection letter which did not affirmatively state that interest and fees were not being charged on the account.
- Dismissed a suit commenced against an assignee of a financing agreement for alleged violations of the New Jersey Consumer Fraud Act ("CFA"). Dismissal was granted on the basis that the Truth in Lending Agreement trumps the CFA and because the alleged violations were not apparent on the face of the agreement at the time of the assignment, defendant assignee was not liable.
- obtained a reversal of dismissal in the Appellate Division, Second Department, in a quiet title action seeking to void a fraudulent mortgage satisfaction, on the grounds that the defendant mortgagee could not claim bona fide encumbrancer status
- defeated borrower's affirmative defense of statute of limitations in six-figure law suit on a novel issue related to pre-foreclosure demand letters

## FOCUS

Financial Services Litigation  
Complex Commercial & Class  
Action Litigation  
Litigation

## BAR ADMISSIONS

Connecticut  
New York  
New Jersey

## COURTS

U.S. Court of Appeals for the Second  
Circuit  
U.S. District Court for the District of New  
Jersey  
U.S. District Court for the Eastern District  
of New York  
U.S. District Court for the Southern  
District of New York  
U.S. District Court for the Northern  
District of New York  
U.S. District Court for the Western  
District of New York

## EDUCATION

J.D., Touro College Jacob D. Fuchsberg  
Law Center  
B.A., *magna cum laude*, Long Island  
University, C.W. Post Campus



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- obtained the complete dismissal of multiple code violations against a bank owned unoccupied property resulting from a fire
- obtained summary judgment awards on behalf of mortgage servicers from consumer claims based on statute of limitations; predatory lending; lack of standing to foreclose; and violations of TILA, RESPA and state unfair trade practices laws
- successfully represented nationwide creditors in adversary proceedings in bankruptcy
- obtained orders dismissing interlocutory appeals in mortgage foreclosure and quiet title actions
- successfully negotiated settlements for mortgage lenders in excess of several million dollars

## **IN THE COMMUNITY**

Jacqueline is active with the volunteer organization New York Cares and has volunteered for the Roseland Dance at the New Jewish Home for the Aged. She is also a member of Dress for Success benefiting women re-entering the workforce. She has also volunteered for a soup kitchen in Jersey City, NJ serving Sunday morning breakfast.

