



Automotive News speaks to Partner Allen Denson, quotes Partner Mark Rooney

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Automotive News recently spoke to Hudson Cook Partner Allen Denson about several upcoming cases going before the Supreme Court that could affect the auto finance and retail sectors.

In *AMG Capital Management, LLC v. FTC*, the degree to which the Federal Trade Commission punishes companies for false or misleading advertising is at stake, according to Allen. “There’s increasingly been a push for the FTC to get money from those false advertising cases, most frequently, disgorgement of profits from the deceptive advertising,” Allen said. According to [an article](#) written by Hudson Cook Partner [Mark Rooney](#), the issue is limited to false advertising enforcement and would not affect the FTC’s ability to seek monetary redress for unfair or deceptive acts or practices.

In *Henry Schein Inc. v. Archer and White Sales Inc.*, Mark explains that the case between two dental equipment distributors could determine which party has a right to determine if a dispute goes to trial or through arbitration. Its verdict could significantly impact how consumer arbitration clauses are enforced. For auto lenders, diminishing the Federal Arbitration Act could open the gate for more consumer disputes heading to court rather than arbitration. Allen notes that lenders prefer arbitration over in-court proceedings because “it’s a lot less expensive, more efficient and less public.”

Allen Denson is a partner in the firm’s Washington, DC office. His practice focuses on representing small dollar lenders, sales finance companies, Fintech companies, banks, auto dealers and other financial services companies in government investigations, examinations and regulatory enforcement actions. He represents clients before the CFPB, FTC, DOJ, federal prudential regulators, as well as state attorneys general and financial regulatory agencies. He also assists clients in complying with federal consumer financial law.

Mark Rooney is a partner in the firm’s Washington, DC office. His clients include debt collectors, mortgage servicers, creditors, banks and other businesses facing consumer lawsuits with an emphasis on issues arising under the Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Fair Credit Reporting Act (FCRA), and other consumer protection laws. Mark also provides compliance counseling and advice, responses to government investigations, oversight of managed review and document production, and other litigation support services. Mark has represented numerous financial institutions in civil litigation and government investigations involving the Fair Housing Act, Equal Credit Opportunity Act, Truth in Lending Act, and the False Claims Act, often relating to mortgage origination and servicing practices.

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