

Glenn Fjermedal is a Partner at Davidson Fink LLP, where he concentrates his practice in the areas of lender and collector liability defense litigation, creditor's rights in bankruptcy and commercial litigation. A significant portion of his practice is dedicated to the defense of consumer lender liability matters (including Fair Credit Reporting Act and Fair Debt Collection Act litigation throughout New York State) and to fraudulent and preferential transfer claims, and commercial collections.

Mr. Fjermedal has substantial experience representing financial lenders, insurers, commercial landlords, corporate creditors, statutory unsecured creditors, and retiree committees in various Chapter 7 and 11 commercial bankruptcies and bankruptcy litigation. He also represents a variety of debt buyers, debt collection agencies, law firms and credit reporting agencies and is ACA International and NARCA approved panel insurance defense counsel.

Mr. Fjermedal also represents insurers in connection with insurance coverage actions under comprehensive general liability insurance, property and errors and omissions policies.

ADMISSION TO PRACTICE

- New York State Bar
- United States Bankruptcy Court
- Northern District of New York
- Southern District of New York
- Eastern District of New York
- Western District of New York

PROFESSIONAL AND COMMUNITY AFFILIATIONS

- Monroe County Bar Association, Member
- New York State Bar Association, Member
- National Association of Retail Collection Attorneys (NARCA), Member
- Turnaround Management Association, Member
- Mortgage Bankers Association, Member
- Tournament Squash and Tennis Player

EDUCATION

- JD, Albany Law School of Union University (Editor and Publisher of Albany Law Review)
- BA, Colgate University, Honors

RELEVANT CASES

- Gerstle v. National Credit Adjusters, LLC, 76 F. Supp. 503, 2015 U.S. Dist. LEXIS 1493 (S.D.N.Y. 2015) (motion to dismiss granted in class action suit dismissing civil RICO and New York General Business law 349 claims and individually named defendants for lack of jurisdiction on the basis that they have no minimum contacts within the State of New York).
- Rigerman v. Forster & Garbus, LLP, 2015 U.S. Dist. LEXIS 32213 (E.D.N.Y. 2015) (motion to dismiss FDCPA class action granted holding that a settlement collection letter that failed to provide any 1099-c tax information was not misleading under the FDCPA).



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PRACTICE AREAS

Banking
Commercial Collections
Commercial Litigation
Creditors' Rights in Bankruptcy
Creditors' Rights Litigation
Default Services
Lender & Class Action Defense Litigation
Lender Defense & Consulting
Litigation

RELEVANT CASES

- *Diegert v. Receivables Performance Management, LLC*, 2015 U.S. Dist. LEXIS 83687 (W.D.N.Y. 2015) (stay of TCPA action granted under primary jurisdiction doctrine in deference to Federal Communications Commission's pending declaratory ruling).
- *Rojas v. Forster & Garbus, LLP*, 2014 U.S. Dist. LEXIS 105780 (E.D.N.Y. 2014) (motion to dismiss granted where an attorney is interposed as an intermediary between the debt collector and a consumer and will protect the consumer from a debt collector's behavior as opposed to the FDCPA).
- *Schneider v. Continental Services Group, Inc.*, 2013 U.S. Dist. LEXIS 176447 (E.D.N.Y. 2013) (summary judgment granted in favor of student loan collection agency on the basis that agency was only required to prove that it sent an initial debt validation notice, not that it received such notice under the FDCPA).
- *Johnson v. Capital Management Services, L.P.*, 2011 U.S. Dist. LEXIS 138023 (summary judgment granted in favor of agency on the basis that the record did not reveal oppressive or outrageous conduct and the Plaintiff's verbal request to dispute debt imposes no affirmative obligation by the agency to provide debt validation).



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