

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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THE STATE OF ALABAMA,  
501 Washington Avenue  
Montgomery, AL 36130

THE STATE OF ALASKA,  
1031 W. 4th Avenue, Ste. 200  
Anchorage, AK 99501

THE STATE OF ARIZONA,  
2005 N. Central Ave.  
Phoenix, AZ 85004

THE STATE OF ARKANSAS,  
323 Center Street, Suite 200  
Little Rock, AR 72201

THE PEOPLE OF THE STATE OF  
CALIFORNIA,  
300 South Spring Street, Suite 1702  
Los Angeles, CA 90013

THE STATE OF COLORADO,  
Ralph L. Carr Colorado Judicial Center  
1300 Broadway, 6<sup>th</sup> Floor  
Denver, CO 80203

THE STATE OF CONNECTICUT,  
165 Capitol Avenue  
Hartford, CT 06106

THE STATE OF DELAWARE,  
820 N. French Street, 5<sup>th</sup> Floor  
Wilmington, DE 19801

THE STATE OF FLORIDA,  
3507 E. Frontage Road  
Suite 325  
Tampa, FL 33607

THE STATE OF GEORGIA,  
40 Capitol Square, S.W.  
Atlanta, GA 30334

v. )  
 )  
 )  
 NATIONSTAR MORTGAGE LLC, )  
 D/B/A MR. COOPER, )  
 8950 Cypress Waters Boulevard )  
 Coppell, TX 75019 )  
 )  
 Defendant. )  
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 )  
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**COMPLAINT**

Now come the States of Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Washington, West Virginia, Wisconsin, Wyoming, the Commonwealths of Kentucky, Massachusetts, Pennsylvania, and Virginia, and the District of Columbia (collectively, “Plaintiff States” or “Attorneys General”) by and through their undersigned attorneys, and respectfully allege as follows:

**INTRODUCTION**

1. This is a civil action filed jointly by the Attorneys General against Nationstar Mortgage LLC, d/b/a Mr. Cooper (“Defendant” or “Nationstar”) for alleged misconduct related to its servicing of single-family residential mortgages.

2. As described in the allegations below, Defendant’s conduct during the servicing of borrowers’ mortgage loans constituted unfair or deceptive acts and practices by Defendant and its vendors and resulted in violations of homeowners’ rights and protections.

3. Pursuant to 12 U.S.C. § 5552(b)(1), the Attorneys General have performed all conditions precedent to the filing of this action.

### **THE PARTIES**

4. This action is brought by the Attorneys General pursuant to 12 U.S.C. § 5552(a)(1) of the Consumer Financial Protection Act of 2010 (the “CFPA”). The Attorneys General are authorized to bring this action and to enforce 12 U.S.C. §§ 5531 and 5536(a), which prohibit unfair, deceptive, or abusive acts or practices, or other violations of Federal consumer financial law, by any covered person or service provider. The Attorneys General are also authorized to bring this action pursuant to consumer protection enforcement authority conferred on them by state law and pursuant to *parens patriae* and common law authority. The Attorneys General are authorized to seek injunctive relief, restitution for consumers, and other monetary relief for violations of the consumer protection laws of their States and the CFPA.

5. Defendant is a privately held wholly owned subsidiary of Mr. Cooper Group, Inc. that services residential mortgage loans. It has its principal place of business in Coppell, Texas. Nationstar transacts or has transacted business in this District and throughout the United States.

### **JURISDICTION AND VENUE**

6. This Court has subject matter jurisdiction over this action because it is “brought under Federal consumer financial law,” 12 U.S.C. § 5565(a)(1), presents a federal question, 28 U.S.C. § 1331, and is brought by the Attorneys General pursuant to their authority under 12 U.S.C. § 5552(a)(1). *See The State of Alabama, et al., v. PHH Mortgage Corporation*, No. 1:18-cv-00009-TFH (D.D.C. May 10, 2018).

7. In addition, pursuant to 28 U.S.C. § 1367(a), this Court has supplemental jurisdiction over the subject matter of the state unfair and deceptive acts and practices claims

asserted by the Attorneys General because those claims are so related to the claims brought under federal consumer financial law that they form part of the same case or controversy, and because those claims arise out of the same transactions or occurrences as the claims brought by the Attorneys General pursuant to 12 U.S.C. §§ 5531, 5536(a), and 5552(a)(1).

8. Venue is proper in this District under 28 U.S.C. § 1391(b) and 12 U.S.C. § 5564(f).

### **THE MORTGAGE SERVICING INDUSTRY**

9. The single-family mortgage servicing industry consists of financial services and other firms that service mortgages for residential properties designed to house one-to-four family dwellings.

10. For more than thirty years, mortgages typically have been “pooled” to create an investment vehicle, often denominated as a trust, and interests in the trusts have been sold to investors that own interests in payment streams generated by principal and interest payments by the borrowers.

11. A “servicer” is responsible for mortgage administration activities, known as servicing activities, which generally include collecting payments from mortgagors; applying payments made in an agreed-upon order to the mortgagor’s indebtedness; distributing payments after allowable deductions to the investment trust entities for distribution to investors; making advances to cover delinquent mortgage payments and other costs, such as the costs of protecting and maintaining properties that collateralize mortgage loans when mortgagors fail to do so; pursuing collections from delinquent mortgagors; and pursuing either loss mitigation or foreclosure, as appropriate, to minimize the loss to investors and others when mortgagors become delinquent on mortgage payments.

12. A servicer who does not originate a mortgage loan may become the servicer by purchasing the “mortgage servicing rights” or by entering into a contract with the “master servicer” to act on its behalf as “subservicer.” Inbound and outbound transfers of mortgage loans from one servicer to another are common in the mortgage servicing industry, and such transfers can occur at various stages of repayment of the mortgage, including where the borrower is delinquent in payments and may seek loss mitigation assistance from the servicer to avoid foreclosure on the loan.

13. As part of the foreclosure management and property preservation processes, servicers frequently retain third party vendors to inspect properties owned by delinquent borrowers to determine whether borrowers are living in their homes. If a property is deemed vacant, servicers are responsible for securing the property by changing locks and maintaining the property to avoid disrepair.

#### **NATIONSTAR’S MORTGAGE SERVICING MISCONDUCT**

14. Nationstar services and subservices home mortgage loans secured by residential properties owned by individual citizens of each of the Plaintiff States and of the United States.

15. Nationstar is a “covered person” engaged “in offering or providing a consumer financial product or service,” as those terms are defined in the CFPA, and is subject to the CFPA’s prohibition on unfair, deceptive or abusive acts or practices. 12 U.S.C. §§ 5481(6), 5531, and 5536(a).

16. Nationstar is engaged in trade or commerce in each of the Plaintiff States and is subject to the consumer protection laws of the Plaintiff States in the conduct of its debt collection, mortgage servicing, loss mitigation, and foreclosure activities. The consumer

protection laws of the Plaintiff States include laws prohibiting unfair or deceptive acts or practices.

17. Nationstar personnel frequently interact with borrowers who are delinquent or are at risk of becoming delinquent on their mortgage loans, who have complaints or inquiries about their mortgage loans, or who require loss mitigation assistance.

18. Nationstar regularly reviews mortgage loans for potential loss mitigation or loan modification options, and conducts or manages foreclosures.

19. In the course of Nationstar's mortgage servicing activities, Nationstar engaged in the following unlawful acts and practices:

- a. failing to properly oversee third party vendors retained for servicing and foreclosure operations, including third party vendors responsible for changing locks during the property preservation process;
- b. failing to properly oversee and implement the inbound transfer of mortgage loans;
- c. failing to appropriately identify loans with pending loan modification applications (in-flight modifications) when a loan was being transferred to Nationstar for servicing;
- d. failing to timely and accurately apply payments made by certain borrowers;
- e. threatening foreclosure and conveying conflicting messages to certain borrowers engaged in loss mitigation;
- f. failing to properly process borrowers' applications for loan modifications;
- g. failing to properly review and respond to borrower complaints;

- h. failing to identify and communicate with successors in interest;
- i. failing to make timely escrow disbursements, including the failure to timely remit property tax payments;
- j. failing to properly maintain escrow accounts, including collecting escrow shortages from borrowers on a completed Chapter 13 bankruptcy plan that were not legally due;
- k. failing to timely terminate borrowers' private mortgage insurance; and
- l. collecting monthly modified payment amounts on certain loans where the amounts charged for principal and interest exceed the principal and interest amount contained in the trial plan agreement.

**COUNT I**

**VIOLATIONS OF STATE LAW PROHIBITING  
UNFAIR AND DECEPTIVE CONSUMER PRACTICES  
WITH RESPECT TO LOAN SERVICING**

- 20. The allegations in paragraphs 1 through 19 above are incorporated herein by reference.
- 21. Nationstar's loan servicing conduct, as described above, constitutes unfair or deceptive acts or practices in violation of the consumer protection laws of each Plaintiff State.
- 22. Nationstar's unlawful conduct has resulted in injury to consumers residing in the Plaintiff States whose mortgage loans were serviced by Nationstar. Harm was sustained by such citizens, and the Attorneys General have incurred substantial expenses in their investigations and attempts to obtain remedies for Nationstar's unlawful conduct.

**COUNT II**

**VIOLATIONS OF THE CONSUMER FINANCIAL PROTECTION ACT OF 2010  
WITH RESPECT TO LOAN SERVICING**

23. The allegations in paragraphs 1 through 19 above are incorporated herein by reference.

24. Nationstar's loan servicing conduct, as described above, constitutes unfair or deceptive acts or practices in violation of 12 U.S.C. §§ 5531(a) and 5536(a).

**PRAYER FOR RELIEF**

WHEREFORE, the Attorneys General, pursuant to 12 U.S.C. §§ 5552(a)(1) and 5565 and their state consumer protection laws, respectfully request that judgment be entered in their favor and against Defendant for each violation charged in the Complaint, and request that the Court:

- A. Enjoin Defendant from committing future violations;
- B. Award such relief as the Court finds necessary to redress injury to consumers;
- C. Award such relief as the Court finds necessary to disgorge Defendant of unlawful gains;
- D. Award the Attorneys General the costs of bringing this action; and
- E. Award additional relief as the Court may determine to be just and proper.

Dated: December 7, 2020

Respectfully submitted,



For the State of Arkansas:

LESLIE RUTLEDGE  
Attorney General

/s/ Johnathan R. Carter  
JOHNATHAN R. CARTER  
(Ark. Bar No. 2007105)  
Assistant Attorney General  
Arkansas Attorney General's Office  
323 Center Street, Suite 200  
Little Rock, AR 72201  
Tel.: 501.682.8063  
Johnathan.Carter@arkansasag.gov