



Joy Sperling

Of Counsel

Parsippany, NJ

T: (973) 966 8217

F: (973) 210 8542

jsperling@daypitney.com vCard in

OVERVIEW

Joy Sperling was previously a partner of the firm and chair of Day Pitney's Consumer Finance and Creditors' Rights group. She primarily represents consumer-lending institutions – such as mortgage servicers, as well as lenders and investors – in the defense of claims by borrowers in individual and class-action claims throughout the nation. She has substantial experience in litigating creditors' rights and real estate matters, including:

- Litigation of cases involving federal and state lending regulations, such as the Truth in Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), Home Ownership and Equity Protection Act (HOEPA)
- Disputes involving the Fair Debt Collection Practices Act (FDCPA) and common law causes of action relating to the origination and enforcement of residential and commercial mortgage loans
- Representing banking institutions in commercial collection and foreclosure matters
- Defense and prosecution of mortgage fraud claims

Joy speaks and writes frequently on consumer finance and related issues and has been quoted and published often in major legal and business publications, including the *National Law Journal*, *Law360* and Bloomberg's *Banking and Financial Report*.

Joy has been listed in *Chambers USA: America's Leading Lawyers for Business** (Chambers & Partners) as a recognized practitioner for litigation in New Jersey since 2011. Joy has also been recognized by Super Lawyers* (Thomson Reuters) in the area of bankruptcy and creditor/debtor rights and has been chosen for inclusion in The Best Lawyers in America* (Woodward/White, Inc.) for banking law.

Joy clerked for The Honorable Wilfred P. Diana, A.J.S.C., 1986-1987.

**No aspect of these advertisements has been approved by the highest court of any state. See [Awards Methodology](#).*

EXPERIENCE

Representation of a mortgage servicer in a suit brought in the Queens County Supreme Court, New York, which was removed to the Eastern District of New York, by borrowers who alleged violations of the TILA, RESPA, HOEPA, as well as New York Banking law; obtained a dismissal of all claims, pursuant to Fed. R. Civ. Proc. 12(b)(6), prior to the commencement of discovery. Successfully argued for affirmance of the district court's judgment on appeal to the Second Circuit

Representation of a bank in a suit brought in the District Court of New Jersey by a customer who alleged violations of the New Jersey Truth-in-Consumer Contract, Warranty and Notice Act, and TILA, as well as common law claims of negligent infliction of emotional distress and breach of fiduciary duty; obtained a dismissal of all claims, pursuant to *Fed. R. Civ. Proc.* 12(b)(6), prior to the commencement of discovery

Representation of a mortgage servicer and trustee in a suit brought in the Queens County Supreme Court, New York, which was removed to the Eastern District of New York, by borrowers who sought to prevent collection and enforcement of an approximately \$2.5 million home mortgage, claiming that the mortgage servicer lacked any right to pursue collection of the mortgage because the mortgage had been consolidated and assigned by means of robo-signing, fraud and the improper involvement of Mortgage Electronic Registration Systems, Inc. and also alleged claims under the TILA; we moved for summary judgment prior to engaging in any substantive discovery, plaintiffs opposed our motion and filed a cross-motion for summary judgment, and the court granted our motion for summary judgment in its entirety, and denied the plaintiffs' cross-motion for summary judgment in its entirety; subsequent motion for reconsideration filed by the plaintiffs was denied and an appeal was dismissed by the plaintiffs

Representation of a mortgage lender in a suit brought in the Eastern District of Pennsylvania by borrowers who alleged violations under the TILA as well as common law claims. After a three day bench trial, we obtained a dismissal of the claims pursuant to *Fed. R. Civ. Proc.* 52(c). The Third Circuit affirmed the dismissal by order dated October 7, 2011.

Representation of a bank in a suit brought in the Superior Court of New Jersey by a customer who claimed that she was entitled to damages as a result of her attempted deposit of two counterfeit checks. We obtained a dismissal of the Amended Complaint on a motion to dismiss, which dismissal was affirmed by the New Jersey Appellate Division

Representation of a bank that made motor vehicle loans in the settlement of a statewide class action suit pending in the Superior Court of New Jersey, Hunterdon County, alleging claims under certain New Jersey laws including the Uniform Commercial Code (N.J.S.A. 12A:9-102 *et seq.*), the New Jersey Consumer Fraud Act (N.J.S.A. 56:8-1 *et seq.*), and the New Jersey Truth-in-Consumer Contract, Warranty and Notice Act (N.J.S.A. 56:12-14 *et seq.*)

Representation of lenders and collection agencies in individual actions involving claims under the TILA, the Fair Billing Practices Act, the Fair Credit Reporting Act (FCRA), and the FD CPA

Representation of lender in the landmark case in New Jersey that resulted in the first reported decision rejecting the imposition of a fiduciary duty on a lending bank in its relationship with a borrower, and in a precedent-setting truth-in-lending case

Representation of credit card companies in actions under the FCRA in numerous actions by cardholders brought in the state and federal courts in New Jersey and New York

Representation of a collection agency in a suit brought by a debtor alleging violations by the defendant of the FDCPA. We obtained a dismissal of the complaint, pursuant to Fed. R. Civ. P. 12(b)(6)

Representation of a collection agency and creditor in a suit brought by a debtor alleging violations of the FCRA. We obtained summary judgment, which decision was affirmed by the Second Circuit

SERVICES

LITIGATION

FIDUCIARY AND PROBATE LITIGATION

INDUSTRIES

CONSUMER FINANCE AND CREDITORS' RIGHTS

INSIGHTS

CFPB'S PROPOSED RULE ON TIME-BARRED DEBT DISCLOSURES

Co-author, May 13, 2020, *Day Pitney Alert*

AMERICAN CONFERENCE INSTITUTE - NATIONAL FORUM ON RESIDENTIAL MORTGAGE REGULATORY ENFORCEMENT AND LITIGATION

Speaker, November 17, 2020

NJ SUPREME COURT AFFIRMS MORTGAGE ASSIGNEE'S RIGHT TO ENFORCE LOST NOTE

Author, July 17, 2020, *New Jersey Law Journal*

NJ COURT CONFIRMS STANDING BASED ON LOST NOTE AFFIDAVIT, WHEN LOSS IS PRIOR TO ASSIGNMENT

Co-author, December 27, 2018, *New Jersey Law Journal*

COURT CLARIFIES STANDING REQUIREMENTS IF NOTE AND MORTGAGE SEPARATED

Co-author, July 27, 2018, *New Jersey Law Journal*

NEWS

CHAMBERS USA 2023 RANKS 35 DAY PITNEY ATTORNEYS AND 13 PRACTICES

Featured, June 1, 2023, *Day Pitney Press Release*

CHAMBERS USA 2022 RANKS 34 DAY PITNEY ATTORNEYS AND 13 PRACTICES

Featured, June 1, 2022, *Day Pitney Press Release*

CHAMBERS USA 2021 RANKS 31 DAY PITNEY ATTORNEYS AND 13 PRACTICES

Featured, May 21, 2021, *Day Pitney Press Release*

CHAMBERS USA 2020 RANKS 34 DAY PITNEY ATTORNEYS AND 12 PRACTICES

Featured, April 30, 2020, *Day Pitney Press Release*

CHAMBERS USA 2019 RANKS 38 DAY PITNEY ATTORNEYS AND 12 PRACTICES

Featured, May 8, 2019, *Day Pitney Press Release*

EDUCATION AND CREDENTIALS

EDUCATION

Rutgers University School of Law - Newark, J.D., 1986

Rutgers University, Douglass College, B.A., 1983

ADMISSIONS

State of New Jersey

RECOGNITION AND COMMUNITY

RECOGNITION

Chosen for inclusion in the *Chambers USA Legal Directory* (Chambers & Partners) of recognized practitioners for Litigation: General Commercial in New Jersey, 2011-2023

Chosen for inclusion in *The Best Lawyers in America* (Woodward/White, Inc.), Litigation - Banking and Finance, 2007-2023

Selected to the list of New Jersey *Super Lawyers* (Thomson Reuters), Bankruptcy, Creditor/Debtor Rights, 2005, 2009-2023

Selected to the list of New Jersey *Super Lawyers* (Thomson Reuters), Litigation, Estate and Trust Litigation 2016

Selected to the list of *Super Lawyers* (Thompson Reuters), Corporate Counsel edition, 2010

AV Preeminent rated by *Martindale-Hubbell* (LexisNexis)

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