Alpert v. Nationstar Mortgage LLC., et. al.

Year: 2021
Court: Supreme Court of Washington
Case Number: 99377-7

In its brief, UP explores the filed rate doctrines effect on illegal insurance practices. The filed rate doctrine potentially upholds illegal practices, such as mortgage kickbacks, unjust enrichment and racketeering by barring claims against insurers for insurance rates that have been previously approved by state insurance authorities. Nearly ten years after regulators first heard allegations that carriers were paying kickbacks to mortgage servicers who purchased lender-placed insurance policies, a federal appellate court is asking the Washington Supreme Court to help resolve one of the last remaining lawsuits concerning alleged abuses. In this case, UP argued the following points to the Court:

I. A Payment from an Insurer to a Loan Servicer Other Than for a Bona Fide Service is Anticompetitive and Harmful to Consumers.

II. This Court's Rationale for the Filed Rate Doctrine Does Not Support Applying the Doctrine to Bar Review of Nationstar's Reimbursement Charges to Alpert.

This brief was authored pro bono by Ian Birk of Keller Rohrback LLP

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