



Joseph A. Apatov

ASSOCIATE

Joe litigates on behalf of financial services clients in both state and federal courts, with an emphasis on banks, mortgage lenders and servicers, private-label card issuers, and automobile finance companies. Joe's practice is primarily defense oriented, with a focus on consumer finance statutes, including the Fair Debt Collection Practices Act (FDCPA), Telephone Consumer Protection Act (TCPA), Fair Credit Reporting Act (FCRA), Real Estate Settlement Procedures Act (RESPA), and the Florida Consumer Collection Practices Act (FCCPA). Joe's experience also includes representing financial institutions in complex mortgage foreclosure litigation.

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Notable Cases

- *Deutsche Bank Nat'l Trust Co. v. Green*, --- So.3d ---, 2018 WL 3595290 (Fla. 5th DCA July 27, 2018)
- *Kurzban v. Specialized Loan Servicing, LLC*, 2018 WL 1570370 (S.D. Fla. Mar. 30, 2018)
- *Green v. Specialized Loan Servicing LLC*, 280 F.Supp.3d 1349 (M.D. Fla. Nov. 30, 2017)
- *PNC Bank, Nat'l Ass'n v. Smith*, 225 So.3d 294 (Fla. 5th DCA June 16, 2017)
- *Brown v. Select Portfolio Servicing, Inc.*, 2017 WL 1157253 (S.D. Fla. Mar. 24, 2017)
- *Deutsche Bank Nat'l Trust Co. v. Diamond*, 2017 WL 587253 (M.D. Fla. Feb. 14, 2017)
- *Vetour v. PNC Bank N.A.*, 2017 WL 7733576 (S.D. Fla. Jan. 3, 2017)
- *Charles v. Deutsche Bank Nat'l Trust Co.*, 2016 WL 950968 (S.D. Fla. Mar. 14, 2016)
- *Sotomayor v. Deutsche Bank Nat'l Trust Co.*, 2016 WL 3163075 (S.D. Fla. Feb. 5, 2016)

Professional Affiliations

- Florida Bar
- Broward County Bar Association
- Federal Bar Association (Member, Broward Chapter)
- Association of Credit and Collection Professionals (ACA International)

Honors

- *Florida Super Lawyers* "Rising Stars" (Consumer Law, Business Litigation, Appellate, Real Estate: Consumer), 2018–2019

Experience

Deutsche Bank Nat'l Tr. Co. for First Franklin Mortgage Loan Tr. 2006-FF16, Asset-Backed Certificates Series 2006-FF16 v. Green

Reversing an involuntary dismissal, and (i) rejecting the argument that a subsequent foreclosure action must be predicated on a default date that post-dates the dismissal of prior foreclosure action; (ii) rejecting the argument that a borrower can start making normal monthly payments following dismissal of a foreclosure without curing the past due amounts; and (iii) demonstrating support for the trial court's finding that any claim of prejudice due to a discrepancy in a default letter was negated by the failure of the borrower to contact the loan servicer.

PNC Bank, Nat'l Ass'n v. Smith

Reversing a judgment for defendant based on the unclean hands doctrine, and holding that alleged conduct with respect to a second mortgage owned by the plaintiff could not serve as a basis for application of the unclean hands doctrine as to the plaintiff's first mortgage.

Recent Publications

Service Areas

Commercial Litigation
Consumer Financial Services Litigation
Education Law

Education

Duke University School of Law, J.D., 2011, Duke-Geneva Institute in Transnational Law
Pennsylvania State University - University Park, B.A., Philosophy, 2007, with honors

Admissions

Florida
U.S. District Court for the Southern District of Florida
U.S. District Court for the Middle District of Florida
U.S. Court of Appeals for the Eleventh Circuit
U.S. Bankruptcy Court for the Middle District of Florida

- 17 October 2019 [PLI's Consumer Financial Services Answer Book \(2020 Edition\)](#)
Eight McGlinchey lawyers authored or co-authored chapters in the latest edition of the Practising Law Institute (PLI)'s [Consumer Financial Services Answer Book](#). Member **Tom Hanson (Dallas)** co-edited the book. The 2020 edition is the leading desk reference for consumer financial services lawyers and compliance professionals.
- 2019 [Chapter 2: Federal Jurisdiction](#)
Business Litigation in Florida, The Florida Bar
- March 25, 2019 [Credit Reporting Dispute Investigations in the Wake of Felts](#)
ABA Business Law Section Consumer Financial Committee Newsletter
- March 22, 2019 [Recent Eleventh Circuit Opinion Confirms Mortgage Statements are not Debt Collection](#)
The U.S. Court of Appeals for the Eleventh Circuit issued an opinion that provides significant clarity to an issue that has otherwise been undeveloped at the appellate level until now: whether mortgage statements constitute debt collection communications.
McGlinchey Consumer Financial Services Alert

Events

- October 12, 2017 [Henson v. Santander: Impact on FDCPA Advice and Litigation, Update on State Collection Law](#)
16th Annual Consumer Finance Legal Conference
New Orleans, LA

News Results

- November 4, 2019 [McGlinchey Stafford Lawyers Co-author the 2020 Edition of PLI's Consumer Financial Services Answer Book](#)
McGlinchey News Release
- July 2, 2019 [Nine McGlinchey Stafford Attorneys Named to Florida Super Lawyers 2019](#)
McGlinchey News Release
- August 7, 2018 [Eight McGlinchey Stafford Attorneys Recognized in Florida Super Lawyers 2018](#)
McGlinchey News Release
- October 29, 2014 [McGlinchey Stafford Adds Three Attorneys in Fort Lauderdale](#)
McGlinchey News Release