



Thomas F. Landers
tlanders@swsslw.com
(t) 619.238.4812
(f) 619.615.7912

Thomas F. Landers | Partner

Mr. Landers handles business litigation matters for companies and individuals. He also has an expertise in representing creditors, debt buyers, debt servicers, landlords and law firms against claims under the state and federal Fair Debt Collection Practices Act and the Telephone Consumer Protection Act. : Mr. Landers has significant experience with California's anti-SLAPP statute, Code of Civil Procedure section 425.16 et. seq., both in the trial courts and the courts of appeal. He has experience with California's new data privacy law, The California Consumer Privacy Act (CCPA), including serving as a panelist at a corporate legal summit.

Mr. Landers received his undergraduate degree in English from Duke University, and his law degree from University of Southern California Law School. He also attended the University of New South Wales in Sydney, Australia. Mr. Landers is admitted to practice in California, The United States Supreme Court, The Ninth Circuit Court of Appeals, all federal district courts in California, and the district of Colorado.

Practice Areas

- Business Litigation
- Fair Debt Collection Practices Act/California Rosenthal Act
- Fair Credit Reporting Act/California Consumer Credit Reporting Agencies Act
- Construction Law

Education

- University of Southern California Law School
- Duke University, undergraduate degree in English, cum laude
University of New South Wales in Sydney, Australia

Noteworthy Experience

- Co-tried complex, six-week jury trial resulting in unanimous verdict and 100 percent recovery via a \$4.6 million judgment in favor of a general contractor who built a 21-story high-rise, while completely defeating the \$16 million cross-complaint by the developer, along with the developer's additional claim for punitive damages
- Successfully vacated nearly \$2 million arbitration award, set aside the resulting superior court judgment, obtained an order quashing service of the summons and complaint, and won attorneys' fees on behalf of two foreign entities wrongly sued in California.
- Won Alter Ego trial in federal court when judge pierced LLC's corporate veil and held individual members liable for corporate debts.
- Won jury trial in favor of homeowner against contractor fired from job.
- Won summary judgment for debt servicing company, defeating a claim of unauthorized practice of law. (*McMinn v. Midland Credit Management, Inc.*, 2015 U.S. Dist. LEXIS 25926)
- Won motion to dismiss putative class action complaint alleging debt servicer's letters misrepresented credit reporting limitations period (*Hamilton v. Midland Credit Management, Inc.*, 2017 U.S. Dist. LEXIS 138226)
- Won combined anti-SLAPP and summary judgment motion dismissing claims against law firm (*Picazo v. Kimball, Tirey & St. John, LLP*, 2018 U.S. Dist. LEXIS 56002)
- Won motion to dismiss in favor of law firm; won subsequent appeal to the Ninth Circuit.
- Won bench trial in favor of debt buyer and debt servicer against claims under California's Rosenthal Fair Debt Collection Practices Act; won attorneys' fees and costs against plaintiff.
- Won summary judgment in favor of HVAC contractor alleged to be successor-in-interest to bankrupt entity in construction litigation, thus entitling contractor to attorneys' fees against international developer.
- Won anti-SLAPP motion, striking cross-complaint filed by home seller against buyer alleging fraud and breach of contract; won attorneys' fees against sellers.

- Defeated anti-SLAPP motion filed by general contractor; defeated subsequent appeal and won costs.
- Won summary judgment for general contractor; won subsequent appeal.
- Prevailed on behalf of employer in trial before the Division of Labor Standards Enforcement
- Represented general and subcontractors in wide range of litigation, including construction contract claims, mechanic's liens, bankruptcy claims and commercial disputes.
- Represented creditors and debt servicers in connection with claims under the state and federal Fair Debt Collection Practices Act, and The Telephone Consumer Protection Act

Achievements and Affiliations

- *Avvo*® Top Rated Lawyer, 2021
- *San Diego Magazine's* Top Lawyers in San Diego® – Business Litigation, 2019 - 2021
- Martindale-Hubbell AV Preeminent® Rated
- Graduate of the National Institute for Trial Advocacy
- Member of the American Bar Association
- Member of the California State Bar Association
- Member of the San Diego County Bar Association
- Member of Business Counsel, Inc., a network of law firms based in the U.S. and abroad focused on providing high quality legal services to the corporate business community.
- Legion Lex Scholar at USC Law School
- Champion of the Hale Moot Court Honors Program
- Advocacy Vice Chairman for the Hale Moot Court Board
- Member of the National Moot Court team
- Member of the National Creditors Bar Association (NCBA, formerly NARCA)