Section 4041 of the SCRA gives the Attorney General the authority to seek monetary damages on behalf of individual “aggrieved” servicemembers, as well as civil penalties, equitable relief, and declaratory relief.

DOJ attorneys do not have attorney–client relationships with individual servicemembers.
BASIC SCRA PROTECTIONS

- Court order required
  - Foreclosures
  - Evictions
  - Auto repossessions

BASIC SCRA PROTECTIONS

- Court orders required to enforce liens
  - Storage companies
  - Towing companies
  - Auto repair companies
BASIC SCRA PROTECTIONS

- Servicemembers can terminate certain contracts early
  - Residential leases
  - Auto leases
  - Cell phone agreement

BASIC SCRA PROTECTIONS

- Protections against default judgments
  - Affidavit requirement
  - Appointment of Attorneys
BASIC SCRA PROTECTIONS

- 6% Interest rate cap on “pre-service” loans

What Types of Loans Are Covered Under Section 3937?

- Credit cards
- Automobile, ATV, boat and other vehicle loans
- Mortgages
- Home equity loans
- Student loans
**RECENT DEPARTMENT SCRA SETTLEMENTS**

- *United States v. Sallie Mae, Inc.* (D. Del.)
  - Allegation: Sallie Mae failed to reduce to 6% the interest rates on pre-service private and federally owned and guaranteed student loans held by servicemembers.
  - Results: $60 million in compensation is being distributed to 77,795 servicemembers
  - Servicemembers are getting credit repair

- *United States v. Santander Consumer USA, Inc.*
  - Federal government’s largest ever settlement for illegal auto repossessions under the SCRA.
  - Result: Santander is required to pay over $10 million to over 1,100 servicemembers whose motor vehicles were repossessed unlawfully between January 2008 and February 2015.
National Mortgage Settlement

- Part of the $25 billion “robo-signing” settlement in 2012.

- Settlements with JP Morgan Chase, Wells Fargo, Citibank, GMAC Mortgage, and Bank of America.

- Result: 2,413 servicemembers and their co-borrowers are receiving over $311 million for foreclosures that violated the SCRA.

Words from a grateful soldier

- “The home that was taken from me was a home that I had built from the ground up…. The day I packed up my tattered remains and moved out was the worst day of my life…. [W]ith the settlement I will rebuild upon my retirement … and it will be the most magnificent home ever and my front door will always be open to the people of the Department of Justice who made it possible.”

  - Matthew W. Stoddard, Sergeant First Class, 311th Expeditionary Sustainment Command, G7, United States Army, Feb. 11, 2016
Master Chief Thomas E. Ward

- Deployed to Japan
- Stored goods at ATM
  - Valuable, rare car parts

Other servicemembers?

Sasebo, Japan; “Old Tar” (right) at retirement ceremony (12/12/14)

Send contact letter to ATM

- Auction records, storage lien enforcement policies and procedures, SCRA-related material

Send “authority to sue” letter

Reviewed ATM’s auction records
U.S. v. Across Town Movers (S.D. Cal. 2015)

Complaint

- Plaintiff
  - United States (on behalf of 10 servicemembers)
- Defendants
  - Horoy, Inc. d/b/a Across Town Movers (company)
  - Daniel E. Homan (owner)
- Servicemembers Civil Relief Act (SCRA)
  - 50 U.S.C. App. § 537 (enforcement of storage liens)

Monetary
- Ward: $150,000
- Others: ~$3,000

Injunctive
- Training
- Policies and Procedures
- Credit repair
"As warfighters in the defense of our nation, we have to focus on our task, as distraction is our enemy, and lives depend on us to have a clear mind and focused thought . . . That is where you come in. You see, when you help Sailors, Marines, Soldiers, and Airmen, you are saving lives and those lives matter, not only for the country, but to those mothers, fathers, and friends. Please stay the course."

How can you get your case to DOJ?

- If you are a Military Legal Assistance Attorney:
  - Memo to Chief of Legal Assistance for your branch

- If you are a Private Attorney or a Servicemember:
  - [www.servicemembers.gov](http://www.servicemembers.gov)
What would DOJ like to see in a referral?

- Prima facie case of an SCRA violation
- Military service dates
- Document showing date of auction, repossession, foreclosure, etc.
- Identify the target

---

Elizabeth A. Singer
Director, U.S. Attorneys’ Fair Housing Program
Housing & Civil Enforcement Section
Civil Rights Division
U.S. Department of Justice
(202) 514-6164
Elizabeth.Singer@usdoj.gov
www.servicemembers.gov