



## Han Sheng Beh

**Partner**  
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Sheng Beh defends clients in a variety of consumer and class action matters. He represents corporations—primarily financial institutions, debt buyers/collectors and mortgage servicers—in individual and class action claims based on alleged violations of federal and state statutory regulations such as the Fair Debt Collection Practices Act (FDCPA), the Fair Credit Reporting Act (FCRA), the Telephone Consumer Protection Act (TCPA), the New York General Business Law (NYGBL) and the New Jersey Consumer Fraud Act (NJCFRA). Sheng also defends corporations in litigated foreclosure matters ranging from the standing of a mortgage backed security trust and predatory lending to violations of state and federal laws concerning mortgage lending.

Armed with a background in computer science, engineering and mathematics, Sheng is especially equipped to assist with litigation within the arena of computer technology such as e-discovery and metadata. He employs technical analysis to provide his clients with resources and knowledge tailored to their issues.

### Professional Background

Prior to joining Hinshaw, Sheng represented Fortune 500 financial institutions in contractual disputes and matters involving the Financial Industry Regulatory Authority (FINRA), U.S. Securities and Exchange Commission (SEC), Consumer Financial Protection Bureau (CFPB). He also represented national retailers in general liability and premises liability matters.

Sheng is a faculty presenter for the National Business Institute's Continuing Legal Education program "Discover the Invisible Web." He lectures on obtaining and protecting data on the internet and using metadata for litigation purposes.

During law school, Sheng was a New York City Bar Association Minority Fellow and a Touro Law Center Faculty Fellow. His other academic accomplishments include graduating salutatorian and receiving more than ten CALI Awards. Sheng also participated in the 16th Willem C. Vis International Commercial Arbitration Moot Court Competition in Vienna, Austria, where his team ranked ninth of 230 worldwide teams.

### Practices

Consumer and Class Action Defense  
Consumer Financial Services  
Mortgage Servicing and Lender Litigation  
Regulatory and Compliance Counseling

### Education

J.D., *Salutatorian, summa cum laude*, Touro College Jacob D. Fuchsberg Law Center, 2009

- Research Editor and Staff Member, *Touro Law Review*
- B.S., *cum laude*, Computer Science, Texas Tech University, 2005

### Admissions

New Jersey  
New York  
U.S. Court of Appeals for the Second Circuit  
U.S. District Court for the District of Connecticut  
U.S. District Court for the District of New Jersey  
U.S. District Court for the Eastern, Southern, and Western Districts of New York



## Professional Affiliations

- Asian American Bar Association of New York, Member, 2013–Present
- Nassau County Bar Association, Member, 2009–Present

## Representative Matters

### Mortgage Servicing

- Represented mortgage servicer on appeal before the Appellate Division Second Department of New York where the homeowner attempted to vacate a 2.5 million dollar mortgage by arguing a novel theory that multiple bankruptcies did not stay the statute of limitations because prior actions to foreclose were brought, and dismissed, before the homeowner's bankruptcy petitions. This theory was rejected by the Second Department allowing the mortgage servicer to avoid a possible multi-million dollar loss.
  - *Read more about this case on Hinshaw's Consumer Crossroads blog: "Despite Acceleration of Debt Through Prior Dismissed Foreclosure Action, Bankruptcy Petition Tolls Statute of Limitations on Subsequent Action"*

### Consumer and Class Action

- *Debt Collection*
  - Represented debt collector in U.S. District Court (E.D.N.Y.) in a case where plaintiffs alleged that collection letters violated the FDCPA because the use of the word "current" in collection was misleading, and "the least sophisticated consumer" could not tell whether interest and fees would continue to accrue. After significant analysis of relevant rulings in multiple federal districts, the court granted summary judgment for the firm's client on the basis that it is not misleading to refer to a static debt as the "current balance." (*Kidd v. Midland Credit Mgmt.*, Civ. No. 17-1208 (RRM/AKT), 2019 U.S. Dist. LEXIS 167082\*)
  - Represented debt collector in putative class action where the consumer claimed that cellular telephone debts were governed by a federal two-year statute of limitations and thus the debt collector's attempts to collect violated the Fair Debt Collection Practices Act (FDCPA). Going through the history of the federal statute at issue (the federal telecommunications act) and the law of pre-emption, Sheng obtained a clear decision from the Eastern District of New York holding that the federal statute did not apply and that the debt collector could not have violated the FDCPA. (*Torres v. Midland Credit Mgmt.*, 2018 U.S. Dist. LEXIS 84969, at \* 1 (E.D.N.Y. May 21, 2018))
  - Represented debt collector in multiple putative class action where the consumer claimed that debt collectors were under a duty to inform the consumer about possible future increases to the balance of a debt based on a New York's prejudgment interest statute and an attorney fee shifting clause in a service contract. Sheng obtained decisive victories in New York State Court and New York Federal Court (Eastern District of New York) as both rejected the numerous theories brought by the various consumers. Sheng's victories also led to the voluntary dismissal of four other putative class action cases brought against the debt collector on the same theory. (*Derosa v. Computer Credit, Inc.*, 295 F. Supp.3d 290 (E.D.N.Y. Mar. 28, 2018); *Jackson v. Computer Credit, Inc.*, No. 613935/2016E (N.Y. Sup. Ct. Suffolk Cty Nov. 22, 2017); *Brown v. Computer Credit, Inc.*, No. 617003/2016E (N.Y. Sup. Ct. Suffolk Cty Nov. 22, 2017))
  - Represented debt collector in putative class action where the consumer attempted to argue a novel theory that a debt collector's failure to follow New Jersey's more stringent redaction rules for lawsuits filed in the state constituted a violation of the FDCPA. Sheng obtained a decision from the District of New Jersey soundly rejecting this theory by arguing that the consumer could not borrow the stricter standard set forth by New Jersey to manufacture a violation of the federal statute and, moreover, that any such standard would be illogical and contradictory to the standards set forth by the federal courts. (*Diaz v. Midland Funding, LLC*, Civ. No. 17-1925 (KM/JBC), 2017 U.S. Dist. LEXIS 156440, at \*1 (D.N.J. Sept. 22, 2017))



## Community/Civic Activities

- Asian Pacific American Law Students Association at Touro Law Center, Alumni Liason