



Carlos A. Ortiz

Partner

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ADMISSIONS

- Illinois
- Wisconsin
- Alabama US Bank Ct, Middle District
- Colorado USDC
- Illinois US Bank Ct, Northern District
- Illinois USDC, Central District
- Illinois USDC, Southern District
- Indiana USDC, Northern District
- Indiana USDC, Southern District
- Michigan USDC, Eastern District
- New York USDC, Northern District
- US Ct Appeals, 7th Circuit (IL, IN, WI)
- Wisconsin US Bank Ct, Eastern District
- Wisconsin USDC, Eastern District

PRACTICES

- Banking and Commercial Financial Services Litigation
- Business Litigation
- Complex and Class Actions
- Employment Litigation
- Immigration

In his national practice, Carlos provides sophisticated counsel to clients in the areas of employment compliance, immigration and mobility and has extensive experience in consumer and class action financial services litigation.

He has litigated cases in federal and state courts across the country, as well as before various administrative bodies. Carlos has successfully tried both jury and bench trials and has prevailed on a number of dispositive motions. He handles all phases of litigation, from developing a cost-effective and results-oriented case strategy to resolution at the trial and appellate level, if necessary. Carlos has also negotiated resolutions involving terms favorable to his clients in hundreds of matters that included individual and putative class claims. He is a passionate and dedicated advocate for his clients.

Carlos advises employers across industry sectors. He is experienced working on employment-related cases, harassment and discrimination claims, the Fair Labor Standards Act (FLSA), the Americans with Disabilities Act (ADA), wrongful discharge and various other state and federal employment statutes. He advises employers on compliance with safety standards that the Occupational Safety and Health Administration (OSHA) enforces and has represented employers in related proceedings. He also has represented the employer-side in litigation involving the Employee Retirement Income Security Act of 1974 (ERISA). Carlos has handled claims involving the enforcement of restrictive covenants and has successfully obtained temporary restraining orders and injunctions in favor of employers. Additionally, he counsels employers on risk management and compliance issues, while also drafting employee handbooks.

In the area of immigration law, Carlos focuses on both employment-based and family immigration matters. He works with employers and religious entities in obtaining various work visas for their foreign employees. He counsels employers on Form I-9 compliance and Social Security no-match letters. In addition, Carlos works with clients on international migration issues. Carlos' experience in this area includes, but is not limited to: successfully petitioning for visas under B-1, B-2, E-1, E-2, EB-1, EB-2, EB-3 H-1B, H-2B, H-3, J-1, K-1, L, O-1, P, TN, TD, and R. He assists individuals with obtaining permanent residency and citizenship in the

EDUCATION

- University of Wisconsin Law School, J.D., Articles Editor, Wisconsin International Law Journal, Moot Court Board, 2004
- Northern Illinois University, B.A., summa cum laude, 2001

EMPLOYMENT

- Thompson Coburn LLP Partner, 2023 - Present
- Polsinelli, P.C. Shareholder, 2021 - 2023
- Hinshaw & Culbertson LLP Partner, 2010 - 2021 Associate, 2004 - 2010

LANGUAGES

- Spanish - Fluent

RECOGNITIONS

- The Nation's Best list by Lawyers of Color, 2019
- Fellows of the Wisconsin Law Foundation, Class of 2014
- "Rising Star" by Wisconsin Super Lawyers magazine, 2010 - 2012
- Selected by the Wisconsin Law Journal as an "Up and Coming Lawyer," 2009
- Recognized by his peers as a "Leading Lawyer" in the areas of Creditor's Rights/Commercial Collections Law; Immigration Law; Employment; Immigration Law: Individual; and Personal Injury Defense Law: General

United States. Carlos has also handled matters involving asylum and temporary protected status. He has litigated matters involving alleged violations of state statutes that govern nonlawyers consulting on immigration matters. He also has handled appeals to the Administrative Appeals Office.

In the consumer and class action financial services litigation arena, Carlos defends against claims arising from the application of the Fair Debt Collection Practices Act (FDCPA), Fair Credit Reporting Act (FCRA), Telephone Consumer Protection Act (TCPA), Truth-in-Lending Act (TILA), Real Estate Settlement Procedures Act (RESPA), Illinois Collection Agency Act, Illinois Consumer Fraud and Deceptive Business Practices Act, and the Wisconsin Consumer Act, as well as various state and federal consumer and mortgage-related laws. His clients in this area include businesses, corporate entities, mortgage lenders and servicers, creditors, asset purchases and third-party debt collectors. Additionally, Carlos represents clients regarding investigations by regulatory agencies and attorneys general and has counseled clients in responding to subpoenas in this context.

Carlos was born and raised in Chicago. He is a proud alum of St. Ignatius College Preparatory, Northern Illinois University and the University of Wisconsin Law School. Carlos is an avid Chicago sports fan with an emphasis on the Bears, Bulls and Cubs. He is involved in his local community and coaches baseball, basketball and softball.

Chair to the firm's Hispanic/Latinx affinity group.

Experience

- **Freeman v. Fin. Bus. & Consumer Sols., No. 1:19-cv-03900-MPB-JMS, 2020 U.S. Dist. LEXIS 69436 (S.D. Ind. Apr. 17, 2020) – Prevailed in the Southern District of Indiana on a motion to dismiss in a case where plaintiff claimed that a settlement option in a letter regarding a debt originally owed to a wireless telecommunications provider violated §1692e of the FDCPA. The letter offered the plaintiff/debtor a 35% discount on the debt and three payment options?the third of which rounded out to a penny over the amount of the discount. In ruling for the firm's client, the court said the plaintiff relied "too heavily on the FDCPA's strict liability status," and found the misstatement was immaterial because it would not mislead even an unsophisticated consumer.**
- **Rafferty v. Retrieval-Masters Creditors Bureau, Inc., No. 5:17-cv-426-Oc-40PRL, 2019 U.S. Dist. LEXIS 33511 (M.D. Fla. Mar. 4, 2019) – Obtained summary judgment in favor of collection agency defendant in a putative class action under the Fair Debt Collection Practices Act after successfully arguing that the subject collection letter did not overshadow the plaintiff's written validation rights.**
- **St. Pierre v. Retrieval-Masters Creditors Bureau, Inc., 898 F.3d 351 (3d Cir. 2018), aff'g Civ. Action No.: 15-2596 (FLW)(DEA), 2017 U.S. Dist. LEXIS 42875 (D. NJ Mar. 24, 2017) – Affirmed dismissal on a motion to dismiss in favor of collection agency defendant in a putative class action under the Fair Debt Collection Practices Act after successfully arguing that a contract the plaintiff alleged he entered into for the E-Z Pass of payment for highway tolls did not establish a "debt" for purposes of the FDCPA.**
- **Carter v. Monarch Recovery Mgmt., Case No. 16 C 6376, 2018 U.S.**

- Dist. LEXIS 44882 (N.D. Ill. Mar. 20, 2018) – As part of defense team, obtained summary judgment in favor of collection agency defendant in an action under the Fair Debt Collection Practices Act after successfully arguing that collection letter was not misleading when it stated that interest and/or fees could be added to the outstanding balance because the creditor, from time to time, would add interest and/or fees.
- **O'Neill v. Northland Grp., Inc. et al., Civ No. 16-4266 (KM) (MAH), 2017 U.S. Dist. LEXIS 67982 (D. NJ May 3, 2017)** – Obtained dismissal on a motion to dismiss in favor of collection agency defendant in a putative class action under the Fair Debt Collection Practices Act where the plaintiff alleged that a letter that included a settlement offer was misleading because it allegedly was misleading as to the defendant's authority.
 - **St. Pierre v. Retrieval-Masters Creditors Bureau, Inc., Civ. Action No.: 15-2596 (FLW) (DEA), 2017 U.S. Dist. LEXIS 42875 (D. NJ Mar. 24, 2017)** – Obtained dismissal on a motion to dismiss in favor of collection agency defendant in a putative class action under the Fair Debt Collection Practices Act after successfully arguing that a contract the plaintiff alleged he entered into for the E-Z Pass of payment for highway tolls did not establish a "debt" for purposes of the FDCPA.
 - **In re Byung-Woun Seo, BK No.: 10-30673, 2016 Bankr. LEXIS 4677 (Bankr. N.D. Ill. Nov. 3, 2016)** – Successfully opposed debtor's pursuit of sanctions for alleged violation of the bankruptcy discharged, and obtained sanctions against the debtor's counsel resulting from the debtor's improper pursuit of sanctions against the guaranty agency for the subject student loan.
 - **Seo v. Educ. Credit Mgmt. Corp., Case No. 15-cv-3703, 2016 U.S. Dist. LEXIS 16235 (N.D. Ill. Feb. 9, 2016)** – Obtained judgment on the pleadings in favor of a student loan guaranty agency in an action under the Fair Debt Collection Practices Act after successfully arguing that the defendant was not a "debt collector" for purposes of the FDCPA.
 - **Alvarado v. Northland Group, Inc., Case No. 5-00645-CV-W-GAF, 2015 WL 7567091 (W.D. MO. Nov. 19, 2015) and McShann v. Northland Group, Inc., Case No. 15-00314-CV-W-GAF, 2015 WL 8097650 (W.D. MO. Dec. 1, 2015)** – Obtained dismissal and judgment on the pleadings in favor of collection agency defendant based on alleged violations of the Fair Debt Collection Practices Act after certain information was allegedly visible through the glassine window of envelopes that contained collection letters.
 - **Pereira, Jr. v. The Royal Group, Charge No. 2013 CF 0173 (State of Illinois Department of Human Rights)** – Obtained dismissal for lack of substantial evidence of charge of discrimination under the Family and Medical Leave Act after Fact-Finding Conference.
 - **AmTrust Bank v. Love, 5-10-0483 (Ct. App. 5th Dist. Ill.)** – Successfully obtained Order from appellate court affirming summary judgment decision in favor of client- creditor in mortgage-related litigation case.
 - **Mendoza v. Cellusuede Products, Inc., 2014 WL 929219 (N.D. Ill.), 2011 WL 4684357 (N.D. Ill.)** – Obtained dismissal by way of motion on behalf of the defendant employer involving claims under the Americans With Disabilities Act.
 - **McWright v. Williams, et al., 09 L 007141 (Cook County Circuit Court)** – Obtained dismissal by way of motion on behalf of third-party defendant contractor involving negligence-related claims.

- **Felde v. Town of Brookfield et al., 570 F.Supp.2d 1070 (E.D. Wis. 2008)** – Obtained summary judgment on behalf of municipality and municipal employees involving wrongful discharge and constitutional related claims.
- **Aaron, et al. v. Wisconsin Injured Patients and Families Compensation Fund, 04-CV- 9012 (Milwaukee County Circuit Court)** – Successfully obtained defense verdict after jury trial involving medical malpractice claim.
- **Killian v. Arby Construction, Inc., 06-012386 (Worker's Compensation Division, Wisconsin Department of Workforce Development)** – Obtained dismissal of workers' compensation claim.
- **Dudley v. Erin East, Inc., 06-028119 (Worker's Compensation Division, Wisconsin Department of Workforce Development)** – Obtained decision in favor of respondent- employer following arbitration of unreasonable refusal to rehire claim.
- **Williams v. Asset Acceptance, 06-20316 (Milwaukee County Circuit Court)** – Successfully obtained defense verdict after bench trial involving consumer related claims.
- **Cordell v. State Central Credit Union, 2005 WL 3536094 (E.D. Wis. 2005)** – Obtained summary judgment on behalf of employer involving FLSA and wrongful discharge claims.
- **Jones v. Zeuger, et al., 04-5037 (Milwaukee County Circuit Court)** – Successfully obtained summary judgment on behalf of individual insured based on issue preclusion.
- **Wollor v. Placon Corp., 04-03402 (Equal Rights Division, Wisconsin Department of Workforce Development) (Affirmed, Wisconsin Labor and Industry Review Commission, July 27, 2007)** – Obtained decision in favor of employer after arbitration of discrimination and wrongful discharge claims.
- **Bocskor v. Mazda Motor of America Inc., 04-0316 (Outagamie County Circuit Court)** – Obtained summary judgment on behalf of manufacturer involving product liability/lemon law claim.
- **Snapp v. Rivera MD, et al., 03-6612 (Milwaukee County Circuit Court)** – Obtained summary judgment on behalf of physician involving medical malpractice claim.