



Eve A. Cann

Shareholder

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Eve Cann is an experienced litigator, who advises and defends businesses, including banks, mortgage lenders, servicers, and national retail companies in a broad range of business and commercial disputes in state and federal courts.

Eve Cann, managing shareholder in Baker Donelson's Fort Lauderdale office, is experienced in a broad range of business and commercial litigation matters, and focuses her practice on the representation of financial institutions and national retail companies in both affirmative and defensive capacities.

Eve also has extensive experience representing clients in litigation involving commercial lease disputes, violations of the Telephone Consumer Protection Act (TCPA), maritime and admiralty issues, including vessel arrests, eminent domain issues, breach of contract, insurance coverage, partnership disputes, and tort-based claims. She also regularly represents clients against claims of violations of federal and state consumer protection statutes, including violations of the Fair Debt Collection Practices Act (FDCPA) and its Florida-law equivalent, violations of the Fair Credit Reporting Act (FCRA), violations of the Servicemembers Civil Relief Act (SCRA), and violations of the Real Estate Settlement Procedures Act (RESPA). She also regularly handles responses to complaints to the Consumer Finance Protection Bureau (CFPB) for clients in the mortgage industry.

Representative Matters

- Won full defense verdict following trial for nationwide mortgage servicer and lender in heavily contested TCPA and Florida consumer protection suit, where over 500 calls were at issue and pre-suit demand neared \$1 million.
- Successfully secured resolution of commercial lease dispute for national retail client involving permanently closed location where lease liability neared \$1 million.
- Successfully obtained summary judgment in favor of a mortgage servicer on an issue of first impression regarding requirements of the CFPB and duty to review a loan application in conjunction with a set foreclosure sale.
- Successfully obtained dismissal with prejudice of a claim against a mortgage servicer for violation of RESPA for failure to provide a substantive response, as required by the statute, to plaintiff's Request for Information regarding her loan account.
- Successfully secured the vacating of an order of default against a financial institution, which was premised upon a fraudulent dismissal notice, which improperly attempted to declare the note and mortgage void and unenforceable.
- Prevailed in several quiet title suits which improperly sought to have mortgages declared void and unenforceable through the inappropriate application of Florida's statute of limitations on mortgage foreclosures.
- Successfully represented a mortgage company in a case before the Florida Supreme Court, which found that foreclosures in Florida are not barred by the statute of limitations where an earlier foreclosure on the same loan was involuntarily dismissed. Baker Donelson further obtained a favorable ruling in the U.S. Court of Appeals for the Fifth Circuit in the same matter. This decision ended a trend by Florida appellate courts of finding that mortgage servicers lacked standing to foreclose and created the blueprint for the mortgage industry in Florida to prove standing in future actions.



Professional Honors & Activities

- Named a Rising Star by *Florida Super Lawyers* (2014 – 2017)
- Named a "Top Up & Comer" by *Florida Trend's* Legal Elite (2016)
- Member – American Bar Association
- Member – Federal Bar Association
- Member – Dade County Bar Association
- Member – Broward County Bar Association



Publications

- "Worry No More – Maps and Images Subject to Judicial Notice in Florida" (June 2022)
- "The Impact of the *TransUnion* Decision on Future Class Actions," republished August 2, 2021 in *Daily Business Review* (June 2021)
- Co-author – "New Limits on Predictive Dialers: Florida Enacts Its Version of the TCPA," republished in *Westlaw* (June 2021)
- Co-author – "*Hunstein* on Rehearing – Revisiting Article III Standing in the Eleventh Circuit," Republished June 20, 2021 in *Receivables Advisor* (May 2021)
- Co-author – "Common Use of Third-Party Mail Vendors is Actionable Under the FDCPA" (April 2021)
- Co-author – "SCOTUS Weighs in on the TCPA, Narrows Autodialer Definition," Republished May 12, 2021 in *Daily Business Review* (April 2021)
- Co-author – "Florida Update – No Standing, No Fees is Dead: Borrowers Can Recover Fees When They Prevail on a Standing Defense" (January 2021)
- Co-author – "We Owe It All to Them: Suffragettes Then and Now," *Women's Initiative Newsletter* (December 2020)
- Co-author – "Eleventh Circuit Delivers Crushing Blow to Single-Text TCPA Plaintiffs," republished in *Receivables Advisor* (September 2019)
- "SCOTUS Punts on TCPA Guidance," republished in *Collection Advisor* (June 2019)
- "Baker's Dozen – 13 Tips to Make Your Next Florida Getaway Great," *Women's Initiative Newsletter* (May 2018)
- "TCPA Update: Impact of D.C. Circuit's Ruling on 2015 FCC Order" (April 2018)
- "4 Takeaways For Lenders From Recent TCPA Decision," *Law360* (February 2018)
- "The Bartram Decision: Guidance For Foreclosure Actions?," *Law360* (December 2016)



Webinars

- The Telephone Consumer Protection Act and the Post-"Facebook v. Duguid" Landscape (July 27 2022)
- TCPA Case Law Update – 2021 Edition (September 2021)
- Eminent Domain: Protecting Collateral from Government Seizure and Bad Borrowers (September 2020)
- The TCPA and Customer Outreach (June 2020)
- The State of the TCPA Post-ACA (May 2018)



Education

- University of Miami School of Law, J.D., 2007
- University of Missouri-Columbia, B.A. in Psychology, 2003, cum laude



Admissions

- Florida, 2007
- U.S. District Court for the Northern, Southern and Middle Districts of Florida

- U.S. Bankruptcy Court for the Southern District of Florida
- 11th Circuit Court of Appeals