

Han Sheng Beh

New York, NY

He/Him

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About Han Sheng

Sheng is a commercial litigator who drives complex cases from inception through trial and appeal, handling consumer, class action, and intellectual property matters. He represents corporations, including financial institutions, debt buyers/collectors, and mortgage servicers, in individual and class action claims involving 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), Real Estate Settlement Procedures Act (RESPA), the New York General Business Law (NYGBL) and the New Jersey Consumer Fraud Act (NJCFA). He also represents clothing and other product manufacturers with copyright and trademark claims.

Leveraging his background in computer science, engineering, and mathematics, Sheng assists with technology-related litigation, including e-discovery and metadata.

His experience further extends to representing Fortune 500 financial institutions in contractual disputes and matters before the Financial Industry Regulatory Authority (FINRA), US Securities and Exchange Commission (SEC), and Consumer Financial Protection Bureau (CFPB). He has also represented national retailers in general liability and premises liability cases.

Sheng's Affiliations

- Asian American Bar Association of New York
- Nassau County Bar Association

Areas of Focus

Industries: Banking & Financial Institutions; Consumer Financial Services; Financial Services; Mortgage Lending & Servicing

Services: Appellate; Complex Commercial Litigation ; Consumer & Class Action Defense; Fair Credit Reporting Act (FCRA); Fair Debt Collection Practices Act (FDCPA); Financial Services Litigation ; Litigation & Trial; Mortgage Lending & Servicing Litigation ; Regulatory & Compliance ; Securities; Telephone Consumer Protection Act (TCPA)

Experience

- Prevailed on behalf of a national bank against a delinquent homeowner in New York’s Supreme Court, the state’s Appellate Division, and in the New York Court of Appeals, the state’s highest court. The case involved a \$2.5 million mortgage. Every time the lender attempted to foreclose on the mortgage, the plaintiff commenced bankruptcy proceedings that triggered automatic stays. The plaintiff argued that the lender’s foreclosure actions had fallen outside of the statute of limitations. The court of appeals held that an automatic bankruptcy stay is a valid “statutory prohibition” under New York’s Civil Practice Law and Rules section 204, which stayed the commencement of subsequent foreclosure actions, and the court allowed the foreclosure action to proceed.
- Prevailed on multiple appeals before the Superior Court of New Jersey, Appellate Division, securing dismissal of a consumer class action alleging violations of the Fair Debt Collection Practices Act related to the use of a letter vendor. The court held that utilizing a mailing vendor was neither deceptive nor abusive under the FDCPA and found the plaintiff’s claims for state law negligence, invasion of privacy, and violations of the New Jersey Consumer Fraud Act to be unsubstantiated.
- Represented an asset buyer in the Superior Court of New Jersey, Appellate Division, who had obtained a default judgment against a consumer on a delinquent account. After the default judgment, the consumer sued the company for not being licensed under the New Jersey Consumer Finance Licensing Act. The appellate court affirmed a lower court finding that the plaintiffs were barred by res judicata and the Entire Controversy Doctrine from bringing a claim that the consumer could have presented in an earlier action.
- Obtained a clear decision from the US District Court for the Eastern District of New York in a Fair Debt Collection Practices Act case. Hinshaw represented a debt collector in a putative class action where the consumer claimed that cellular telephone debts were governed by a federal two-year statute of limitations and the debt collector’s attempts to collect violated the FDCPA. Going through the history of the federal Telecommunications Act of 1996 and the law of preemption, Hinshaw 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.

- Obtained a dismissal on behalf of a debt collector in a 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 Fair Debt Collection Practices Act. Hinshaw obtained a decision from the US District Court for 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 that any such standard would be illogical and contradictory to the standards set forth by the federal courts.
- Secured a summary judgment victory on behalf of a debt collector in the US District Court for the Eastern District of New York. The plaintiffs alleged that collection letters violated the Fair Debt Collection Practices Act 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."
- Obtained a dismissal in the district court of New York which rejected a plaintiff's legal theory that a judgment obtained in a collection suit extinguishes the underlying debt and thus the underlying agreement, and instead granted a defendant's motion to compel arbitration and dismissed a Fair Debt Collection Practices Act class-action lawsuit without prejudice.
- Secured a motion for summary judgment and denial of the consumers' motion to dismiss in claims associated with credit card accounts sold to a debt collector.
- Obtained a successful verdict on behalf of a Hinshaw client in the Appellate Division, Second Department on a case of first impression related to a case won at the court of appeals.
- Obtained a successful ruling in which the New Jersey Superior Court, Appellate Division, addressed the complex issue of whether a non-signatory party to an arbitration agreement can compel arbitration if the claim falls within the scope of the arbitration clause. The court rejected the plaintiff's narrow interpretation of the arbitration contract and ruled in favor of our client, affirming their right to assert arbitration.
- Obtained decisive victories in New York state and federal courts representing a debt collector in multiple putative class action where the consumer claimed that the 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 prejudgment interest statute and an attorney fee shifting clause in a service contract. Both courts rejected the numerous theories brought by the various consumers. Hinshaw's victories led to the voluntary dismissal of four other putative class action cases brought against the debt collector on the same theory.

Recognition

- Touro College Jacob D. Fuchsberg Law Center, over ten CALI Awards; *Touro Law Review*, Research Editor and Staff Member; Faculty Fellow; 16th Willem C. Vis International Commercial Arbitration Moot Court Competition, Vienna, Austria – 9th place out of 230 teams globally
- New York City Bar Association Minority Fellow (as a law student)

Credentials

Education

Touro College Jacob D. Fuchsberg Law Center, JD, *salutatorian, summa cum laude*, 2009

Texas Tech University, BS, *cum laude*, 2005

Bar Admissions

New Jersey

New York

Court Admissions

US Court of Appeals for the Second Circuit

US District Court for the District of Connecticut

US District Court for the District of New Jersey

US District Court for the Eastern District of New York

US District Court for the Southern District of New York

US District Court for the Western District of New York

Interests

Did you know...

Sheng enjoys watching and dissecting all manner of film, from big blockbusters to unknown indies.

Community/Civic Activities

- Touro Law Center, Asian Pacific American Law Students Association, Alumni Liaison

Thought Leadership

Presentations

- Co-Presenter, “Adapting to Regulatory Evolution: Decision-Making in a World of Shifting Agency Power,” 2024 NAPABA Convention, Seattle, Washington, November 9, 2024

Blog Posts

- Despite Acceleration of Debt Through Prior Dismissed Foreclosure Action, Bankruptcy Petition Tolls Statute of Limitations on Subsequent Action, Apr 18, 2018
- Invoking Bigfoot, the Eastern District of New York Highlights the Absurdity of New FDCPA Theories, Dec 22, 2017

- Northern District of New York Dismisses another Avila Claim Based on Accrual of New York Pre-Judgment Interest, Dec 21, 2017
- Forgiveness of Debt Can Prove Unforgiving, But a New Federal Court Decision Gives Cause for Optimism, May 23, 2017

Events

- Vaishali Rao and Han Sheng Beh to Lead CLE on Regulatory Shifts and Agency Power at the 2024 NAPABA Convention, Nov 9, 2024
- Kung Flu: A History of Hostility and Violence Against AAPIs, Wednesday, May 25, 2022 | 10:00 a.m. PDT | 11:00 a.m. MDT | 12:00 p.m. CDT | 1:00 p.m. EDT

Hinshaw Newsletters

- Consumer Financial Services Newsletter - August 2016 Edition, Aug 30, 2016
- Consumer & Class Action Litigation Newsletter - December 2014 Edition, Dec 22, 2014

Press Release

- Hinshaw Announces Election of Twelve New Partners, Jul 1, 2018