

F. Phillip Hosp

Partner

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Phillip (Phil) Hosp is a partner in the firm's Business Litigation & Dispute Resolution Practice who knows how to win in a courtroom, in arbitration, or at the settlement table. By understanding his clients' business and objectives first, Phil provides pragmatic, creative, and strategic advice to financial institutions, including commercial and investment banks, direct lenders, private credit funds, real estate investment trusts, and fintech companies in disputes, enforcement actions, and investigations.

Before practicing law, Phil served four years as a tank officer in the U.S. Army, where he achieved the rank of captain and received the Bronze Star in one of his two tours in Iraq. Because of his education and real-world experience, Phil understands that organization, preparation, strategy, and speed are of the utmost importance in litigation. He fights hard for clients and seeks every opportunity to win cases early and fast.

For over a decade, Phil has represented clients in complex commercial litigation involving fraud, unfair or deceptive acts or practices, securities fraud, lender liability, and consumer protection claims. He has also defended clients in investigations and litigation by the Securities Exchange Commission (SEC), the Federal Trade Commission (FTC), the California Department of Financial Protection and Innovation (DFPI), and various District Attorneys' Offices throughout California. For example, in *In re Sanctuary Belize Litig.*, Phil defended claims brought by the FTC alleging over US\$100 million in restitution and damages for allegedly deceptive marketing and sales involving a real estate development located in Belize.

Working closely with Foley transactional and intellectual property attorneys, Phil also reviews compliance programs, contracts, and lending policies through the lens of a litigator. By applying his business and finance litigation experience, he anticipates and addresses possible regulatory issues and potential contractual or investment disputes.

Representative Experience

- Leading Property Assessed Clean Energy (PACE) Program Administrator in obtaining US\$3m arbitration award against contractor in connection with fraudulent financing transactions under

California's PACE Program.

- American National Insurance Company in connection with commercial real estate financing dispute and SEC enforcement action affecting commercial properties located in San Diego.
- Southern California Regional Center in SEC investigation relating to US\$50m raised under the EB-5 Immigrant Investor Program for residential golf course development where the SEC declined to proceed with any enforcement action against the client.
- Muse Family Enterprises, and other investors, in obtaining a US\$21m jury verdict relating to fraudulent financing of real estate projects throughout the country.
- TPG Capital, Inc. in successful dismissal of shareholder derivative lawsuit relating to investment in a large chemical company, including sanctions award against plaintiff and the shareholder for filing frivolous claims.
- Resort owner and developer in an FTC enforcement action in which the FTC sought over US\$100m in restitution and damages relating to the sale and financing of residential development located in Belize.

Awards and Recognition

- Phil has been selected for inclusion in the Southern California *Super Lawyers*® Rising Stars lists (2014–2020)

Affiliations

- Member, American Bar Association
- Member, State Bar of California

Presentations and Publications

Phil has authored publications relating to the regulation of mortgage-backed securities and credit rating agencies, which have been cited by various journals in the finance and banking industry.

- Author, "Problematic Practices of Credit Rating Agencies: The Neglected Risks of Mortgage-Backed Securities," *Lessons from the Financial Crisis: Causes, Consequences, and Our Economic Future*, John Wiley & Sons (2010)
- Author, "Problems and Reforms in Mortgage-Backed Securities: Handicapping the Credit Rating Agencies," *Mississippi Law Journal*, Vol.7, No. 4 (2010)

Sectors

- [Energy](#)
- [Energy Transition](#)
- [Hydrogen](#)
- [Renewables](#)

Practice Areas

- [Business Litigation & Dispute Resolution](#)
- [FTC Consumer Protection](#)



FOLEY & LARDNER LLP

- [Litigation](#)
- [Securities Enforcement & Litigation](#)

Education

- Loyola Law School (J.D., 2009)
- Boston University, Questrom School of Business (B.S., 2002)

Admissions

- California
- 9th Circuit U.S. Court of Appeals
- U.S. District Court for the Central District of California
- U.S. District Court for the Northern District of California
- U.S. District Court for the Southern District of California
- U.S. District Court for the Eastern District of Michigan