

M.C. Sungaila in Law360: Scalia's Death Adds To Uncertainty In Class Standing Fight

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PRACTICES Appellate

U.S. Supreme Court Justice Antonin Scalia's unexpected death on Saturday creates a clear opening for the high court to split evenly on whether consumers can sue companies for technical statutory violations without alleging an actual injury, in a ruling that would preserve uncertainty and divergent standards nationwide for businesses and plaintiffs alike...

One case that is likely to be impacted by Justice Scalia's absence is the closely watched dispute between Spokeo and Thomas Robins, a consumer who sued the "people search engine" for allegedly violating the Fair Credit Reporting Act by falsely reporting that he was wealthy and had a graduate degree when in fact he was struggling to find work...

"Justices Scalia, Roberts and Alito seemed to agree [during oral arguments] that the plaintiff would need to show actual harm," Haynes Boone LLP Partner M.C. Sungaila said. "Absent Scalia, however, [we should] query whether there are a sufficient number of votes for that particular line of reasoning."

Excerpted from *Law360*. To read the full article, click [here](#) (subscription required).