

M.C Sungaila in Law360: High Court's Spokeo Punt Sets Bar For Class Action Injuries

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PRACTICES Appellate

The U.S. Supreme Court on Monday shut down consumers' efforts to sue businesses for technical violations of the Fair Credit Reporting Act and other consumer protection statutes, but its silence on whether claims against Spokeo fit the bill leaves both sides with ammunition in fights over statutory claims where plaintiffs allege intangible injuries.

In a 6-2 decision authored by Justice Samuel Alito, the high court took the surprising step of vacating and remanding the Ninth Circuit's ruling from 2014 that plaintiffs do not need to allege actual injury to maintain statutory class action claims like the ones lodged by Thomas Robins. Robins had accused the self-proclaimed people search engine Spokeo Inc. of violating the FCRA by falsely reporting that he was wealthy and had a graduate degree when in fact he was struggling to find work...

“How common law typically develops is that the court establishes rules and applies them to the facts of the case, which can then be used to decide whether the next case that comes along is more or less similar,” said Haynes Boone LLP partner M.C. Sungaila, who co-authored an amicus brief in this case as chair of the amicus curiae committee of the International Association of Defense Counsel. “But because the Supreme Court doesn’t actually apply it here, that leaves a lot of open questions.”

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