

## M.C. Sungaila in Law360: Attorneys React To Supreme Court's Spokeo Ruling

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On Monday, the U.S. Supreme Court ruled that a consumer could not sue Spokeo Inc. for mere technical violations of the Fair Credit Reporting Act, but found that the Ninth Circuit used an incomplete analysis when it concluded plaintiffs can sue companies without alleging actual injuries. Here, attorneys tell Law360 why the decision in *Spokeo Inc. v. Thomas Robins et al.* is significant...

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"In *Spokeo*, the court reaffirmed that the injury-in-fact requirement for Article III standing in federal court requires a plaintiff to allege an injury that is both 'concrete' and 'particularized.' The court provided additional guidance on what amounts to 'concrete' harm by making clear that just because Congress may have enacted a statute that 'identif[ies] and elevat[es] intangible harms' to give rise to a cause of action, including statutory damages, 'does not mean that a plaintiff automatically satisfies the injury-in-fact requirement whenever a statute grants a person a statutory right and purports to authorize that person to sue to vindicate that right.' In other words, 'a bare procedural violation, divorced from any concrete harm,' such as dissemination of an incorrect zip code in violation of the FCRA, is not enough to create standing. Because the court stopped short of analyzing whether the named plaintiff in *Spokeo* satisfied this concrete injury standard, however, the specific impact on the facts of this case remains to be determined, on remand to the Ninth Circuit."

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