



Fair Credit Reporting Act

Litigation under the Fair Credit Reporting Act (FCRA) can be especially costly because it is a highly technical statute covering both credit reporting and employment background checks. FCRA lawsuits are on the rise, largely because it is difficult to successfully dismiss them early-on, and plaintiff's counsel can receive attorney's fees from the defense if they are successful. Punitive damages and costs can also be available to litigants in certain circumstances.

Credit reporting and employment background checks touch almost every industry, and many times an FCRA lawsuit is a first for smaller companies. Our clients have included banks, credit card issuers, retailers, mortgage servicers, and debt buyers, among others.

Our attorneys have successfully defended more than 200 FCRA cases, including class actions, across the country. We pride ourselves on knowing the state of the law in every jurisdiction in which we litigate. Representative examples of our FCRA litigation experience include:

- Obtained dismissal on an early dispositive motion in California FCRA matter on claim that a furnisher reported erroneous bankruptcy information in consumer's credit history.
- Represented a furnisher in a case where the debtor claimed that the client reported the debtor's "charge off" status to credit-reporting agencies in violation of the FCRA. In granting dismissal on an early dispositive motion, the court held that plaintiff failed to allege a proper basis on which to impose FCRA liability.
- Defended mortgage lender in lawsuit alleging lender was a credit reporting agency under the FCRA, based on its business model.
- Prevailed on a summary judgment motion in defense of debt buyer where court found that debt buyer reasonably relied on the electronic records provided to it by the creditor and conducted a reasonable investigation of debtor's dispute based upon the information provided by debtor, and therefore, did not violate the FCRA.
- Obtained early dismissal for a bank on a FCRA claim that lender failed to mark tradeline as "disputed."
- Won motion for summary judgment on identity theft claim for retailer after court determined that a reasonable investigation had been conducted.
- Won motion for summary judgment for collection agency based on plaintiff's inability to prove the agency obtained a copy of his credit report for an unauthorized purpose.

Attorneys

Bryan T. Brown
Natalie Burris
Margaret J. Cascino
Ralph W. Confreda, Jr.
Hayden B. Farmer
Eric J. Giglio
Jessica M. Goldberg
Taylor Hennington
Mitchell S. Kurtz
Matthew Lindsey
Savannah M. Loftis
Gabrielle Mannuzza
Stephen T. Masley
Walter McInnis
Michael J. McKleroy
Helen G. Mosothoane
Omar Mulamekic
Brian A. Paino
J. Michael Paulino
Nicholas A. Ponzo
Alfredo "Fred" Ramos
Jessica A. Riley
Megan E. Ryan
Kate Scolaro
Evan N. Soyer
Claire Standish
Ryan R. Stanley
Margaret S. Stefandl
Gregg D. Stevens
Aimee G. Szygenda
C. Charles Townsend



News

Gregg Stevens and Aimee Szygenda Review Eleventh Circuit FCRA Ruling in ABA Business Law Section Newsletter
June 14, 2024

Hinshaw Boosts West Coast Capabilities With Addition of Two Partners in Los Angeles
April 25, 2024

Gregg Stevens Joins Hinshaw as a Consumer Financial Services Partner in Dallas
March 7, 2024

David Schultz Analyzes in ARM Compliance Digest: Appeals Court Reverses Ruling on FCRA Damages
November 27, 2023

Hinshaw Expands Consumer Financial Services Practice with Two Partners and a Senior Counsel
July 12, 2023

Hinshaw Adds Consumer Financial Services Partner in Chicago
May 26, 2022

Hinshaw Opens DC office, Adds Consumer Financial Services Partner
March 25, 2022

Hinshaw Partner Barbara Fernandez Recognized as Businesswoman of the Year by Coral Gables Chamber of Commerce
November 29, 2021

David Schultz and Dana Briganti Appointed Attorney State Chairs by ACA International for 2021/2022 Term
October 19, 2021

Hinshaw Expands in Northeast Adding New Jersey Office and Eight Lawyers
August 26, 2021

Lauren Campisi Analyzes in ARM Compliance Digest: Judge Grants MSJ For Agency in FCRA, FDCPA Case Over Disputed Debt
July 23, 2021

Hinshaw Partner Barbara Fernandez Profiled in DBR: the First Woman to Run Hinshaw's Miami Office
June 10, 2021

Hinshaw Partner Barbara Fernandez Recognized as a 2021 Influential Business Woman by South Florida Business Journal
April 9, 2021

ACA International: David Schultz and Justin Penn Byline Reviews Oral Arguments in SCOTUS TransUnion v. Ramirez FCRA Class Certifications Case
March 31, 2021

Akeela M. White

Vanessa L. Williams

Related Services

Consumer and Class Action Defense

Consumer Financial Services

Mortgage Servicing and Lender Litigation

The Telephone Consumer Protection Act



[Carlos Ortiz Analyzes in ARM Compliance Digest: CFPB Rescinds Policy on Identifying Abusive Acts or Practices](#)
March 22, 2021

[Vaishali Rao Analyzes in ARM Compliance Digest: CFPB Announces First Enforcement Action Under New Leadership](#)
March 8, 2021

[David Schultz Analyzes in ARM Compliance Digest: TransUnion Makes Case to Decertify Class in \\$40M FCRA Case](#)
February 18, 2021

[Vaishali Rao Analyzes in ARM Compliance Digest: CFPB Releases Special Supervisory Highlights on Response to COVID](#)
February 8, 2021

[Hinshaw Client Success Named Among "Top Ten Most Influential ARM Cases" of 2020 by Collector Magazine](#)
December 2, 2020

[David Schultz Analyzes in ARM Compliance Digest: Judge Denies MTD in FCRA Case on Failure to State a Claim](#)
December 1, 2020

["Getting to Know" Series: Hinshaw Partner David Schultz Profiled by AccountsRecovery.net](#)
November 16, 2020

[David Schultz Analyzes in ARM Compliance Digest: CFPB Stands Behind Collector for Itemizing Debt in Letter](#)
November 9, 2020

[David Schultz Analyzes in ARM Compliance Digest: CFPB Enforcement Actions Spike in Q3 2020](#)
October 26, 2020

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October 20, 2020

[John Ryan Discusses What Amy Coney Barrett's Nomination Could Mean for the ARM Industry and the TCPA](#)
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[David Schultz Analyzes in ARM Compliance Digest: Appeals Court Affirms Dismissal of FCRA Suit Over Deleted Item on Credit Report](#)
September 21, 2020

[CFPB Denies Petition From Credit Repair Org. to Set Aside CID](#)
September 8, 2020

[Hinshaw Adds Five-Partner Group with Consumer Financial Services, Bankruptcy, and Commercial Litigation Experience, and Extends Southern Roots with Louisiana Presence](#)
July 20, 2020

[Gretchen Sperry Previews Oral Argument in SCOTUS Review of CFPB's Constitutionality](#)
March 9, 2020

[Hinshaw Adds Five Lawyer Group to Consumer Financial Services Practice in New York](#)
February 24, 2020

[Hinshaw Client Success Named Among "Top Ten Most Influential Cases" for the AR Management Industry in 2019 by Collector Magazine](#)
December 3, 2019



Events

David Schultz to Discuss Litigation Trends Within the FDCPA, FCRA, and TCPA in AccountsRecovery.net Webinar
April 21, 2022

David Schultz to Discuss Mapping Out Legal Strategies for ARM Companies
August 6, 2021

Lauren Campisi to Discuss U.S. Supreme Court's Recent Decision in TransUnion v. Ramirez
June 30, 2021

David Schultz to Discuss FCRA Litigation Trends in AccountsRecovery.net Webinar
June 21, 2021

Dustin Alonzo to Present on Advisory Opinions Under the new CFPB Debt Collection Rule
December 10, 2020
Webinar

David Schultz and Vaishali Rao to Address Q3 Uptick in CFPB Enforcement Actions
November 10, 2020

David Schultz to Speak in CFPB ACA Huddle Webinar
November 9, 2020

Publications

4 Key Takeaways for Privacy Professionals Taken From the IAPP 2024 Global Summit
April 5, 2024
Privacy, Cyber & AI Decoded

U.S. Supreme Court Holds Consumers Can Sue the Government for Violating the FCRA
February 26, 2024
Hinshaw Alert

Reasons for Optimism as Eleventh Circuit Revisits Hunstein and Doubles Down
October 29, 2021 | Consumer Law Hinsights – Special Edition

In Significant Check on Federal Consumer Class Actions, U.S. Supreme Court Holds "No Harm, No Foul"
June 26, 2021 | Consumer Law Hinsights – Special Edition