



## News

### David Schultz Analyzes in ARM Compliance Digest: Appeals Court Affirms Rulings for Defendant in FCRA Cases

August 29, 2022

In the August 29, 2022 edition of the *ARM Compliance Digest*, Hinshaw partner David Schultz discusses an Eighth Circuit ruling that affirmed a lower court's rulings for the defendants in a pair of Fair Credit Reporting Act cases, ruling that injuries allegedly suffered by the plaintiffs because of issues related to bankruptcy notations on their credit reports were not sufficient to confer standing or create a genuine fact dispute on damages:

The 8th Circuit continues the trend of Midwest courts setting the Article III parameters in consumer litigation. What is different and more important about these cases is that they address FCRA claims as opposed to FDCPA ones. Standing challenges in FCRA cases have been more difficult, although the *Ramirez v Transunion* case helped change the course in FCRA cases.

On the same day, the 8th Circuit issued two similar rulings in favor of the defendants. The trial court ruling in one case was based on a motion to dismiss and the other was on a summary judgment record. Interestingly, the Article III issue was raised on appeal for the first time. What also is interesting is that the rulings cover a wide array of common FCRA claims: failure to conduct a reasonable investigation, conduct that causes alleged financial harm, and conduct that causes emotional distress. These are items that often survive the pleading and summary judgment stages. However, in light of these rulings, plaintiff's are going to have to do a better job of pleading and proving how the defendant's conduct implicates these and does so in a way that satisfies Article III.

[Read the full August 29, 2022 edition of the AccountsRecovery.net Compliance Digest.](#)

"Appeals Court Affirms Rulings for Defendant in FCRA Cases," *ARM Compliance Digest*, August 29, 2022

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