



## News

### Appellate Spotlight: Ninth Circuit Affirms Summary Judgment Win by Law Firm in FCRA Class Action Case

March 22, 2023

A Hinshaw legal team led by David Schultz and Brett Larsen recently secured a win at the U.S. Court of Appeals for the Ninth Circuit on behalf of client law firm Carpenter Hazlewood Delgado & Bolen LLP. The client was retained to collect homeowners' association (HOA) assessments that plaintiff stopped paying. The client secured a credit report to obtain plaintiff's address. In response, plaintiff filed in federal court a class action lawsuit, arguing that the Fair Credit Reporting Act (FCRA) was violated because there was not a permissible purpose to access her credit report.

The district court granted summary judgment to the client. On appeal, the Ninth Circuit affirmed. It held that the FCRA claims fail because there could not be a willful violation of the FCRA when the client relied on prior analogous precedent that indicated the HOA assessment was a credit transaction under the Act. Thus, the attorneys had the right to review the credit report.

The case is *Janis Wolf v. Carpenter Hazlewood Delgado*, case number 22-15233, in the U.S. Court of Appeals for the Ninth Circuit.

#### Media Coverage

- ["Appeals Court Affirms Ruling for Defense in FCRA Case,"](#) Daily Digest, *net*, March 20, 2023
- ["9th Circ. Agrees Law Firm Didn't Illegally Access Credit Report,"](#) Law360, March 20, 2023 (*subscription required*)

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