

THE HONORABLE THOMAS S. ZILLY

U.S. DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

SARAH CONNOLLY, individually and on
behalf of all others similarly situated,

Plaintiff,

vs.

UMPQUA BANK, and STERLING
INFOSYSTEMS, INC.,

Defendants.

NO. 2:15-CV-00517-TSZ

**PLAINTIFF'S SECOND NOTICE OF
SUPPLEMENTAL AUTHORITY**

In support of her opposition to Umpqua's Motion to Dismiss, Ms. Connolly submits as supplemental authority the following:

- *Wood v. J Choo USA, Inc.*, No. 15-CV-81487, 2016 WL 4249953, at *3–5 (S.D. Fla. Aug. 11, 2016) (denying *Spokeo*-based motion to dismiss claim brought under FACTA portion of FCRA, alleging defendant failed to truncate credit card number on printed receipts; court found that in enacting FACTA, Congress created a substantive right to receive receipts truncating their personal credit card numbers and expiration dates to protect their credit identities, which was sufficient to confer standing when violated);
- *Burke v. Fed. Nat'l Mortgage Ass'n*, No. 3:16CV153-HEH, 2016 WL 4249496, at *3–4 (E.D. Va. Aug. 9, 2016) (denying *Spokeo* motion to dismiss FCRA claim for unlawfully obtaining a credit report; court held violation to be sufficient injury in light of

1 FCRA’s purpose “to establish a statutory right to privacy based in one’s consumer report”
2 which is “more substantive than procedural” and noting that *Spokeo* “clearly stated that in some
3 circumstances, the violation of a procedural right granted by statute can be sufficient to state an
4 injury-in-fact, even if no additional harm is alleged.”);

5 • *Daubert v. Nra Grp., LLC*, No. 3:15-CV-00718, 2016 WL 4245560, at *3–5
6 (M.D. Pa. Aug. 11, 2016) (denying *Spokeo* motion to dismiss a claim brought under the
7 FDCPA involving collection letter with account number visible through glassine window,
8 finding that Congress has adjudged that the unlawful disclosure of legally protected
9 information is a sufficiently concrete injury to confer standing);

10 • *Ung v. Universal Acceptance Corporation*, Civ. No. 15-127 (RHK/FLN), 2016
11 WL 4132244 (D. Minn. Aug. 3, 2016) (denying *Spokeo* motion to dismiss TCPA case, finding
12 that receipt of unwanted phone calls causes concrete harms such as the invasion of privacy, a
13 harm that has been traditionally accepted as a basis for a lawsuit) (citing *Caudill v. Wells Fargo*
14 *Home Mtg., Inc.*, Civ. No. 5:16–066, 2016 WL 3820195, at *2) (E.D. Ky. July 11, 2016)).

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17 RESPECTFULLY SUBMITTED AND DATED this 16th day of August, 2016.

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CERTIFICATE OF SERVICE

I, Beth E. Terrell, hereby certify that on August 16, 2016, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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DATED this 16th day of August, 2016.

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