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## **Fair Credit Reporting Act**

- **Alston v. Experian Info. Solutions, Inc.**, Civil No. PJM 15-3558, 2016 WL 4555056 (D. Md. Aug. 31, 2016)  
[Memorandum opinion granting three Defendants' motions to dismiss](#) in a case alleging violations of the Maryland Consumer Debt Collection Act, § 14-202, the Maryland Consumer Protection Act, § 13-301, the FDCPA, 15 U.S.C. § 1692e, and the FCRA, 15 U.S.C. § 1681 et seq. The court grants with prejudice GMU's motion to dismiss for lack of jurisdiction, and grants without prejudice the motions to dismiss filed by Experian and Trans Union. The court notes that it is "unable to determine whether Defendants' failure to give Alston formal notice of their reinvestigation results, which were clearly favorable to Alston, created a sufficient injury to confer standing."
- **Baker v. Microbilt Corp.**, Civil No. 4:14-cv-1109, 2016 U.S. Dist. LEXIS 137946 (M.D. Pa. Oct. 3, 2016)  
[Opinion granting a motion to dismiss in a case alleging violation](#) of the FCRA, 15 U.S.C. § 1681. The court finds that the Plaintiff has not alleged that he suffered the kind of concrete and particularized harm necessary to confer standing on him to maintain this action.
- **Burke v. Fannie Mae**, Civil Action No. 3:16cv153-HEH, 2016 U.S. Dist. LEXIS 105103 (E.D. Va. Aug. 9, 2016)  
[Memorandum opinion denying Defendant's motion to dismiss](#) a case brought under the FCRA, 15 U.S.C. § 1681b(f). The court finds that Plaintiff has alleged more than a bare procedural violation and has satisfied Article III standing requirements.
- **Burke v. Federal Nat'l Mortgage Association**, Civil Action No. 3:16cv153-HEH, 2016 WL 4249496 (E.D. Va. Aug. 9, 2016)  
[Memorandum opinion denying Defendant's motion to dismiss a case alleging violation of the FCRA](#), 15 U.S.C. §1681b(f). The Court finds that the FCRA "was meant to protect the interest of privacy" and that Plaintiff suffered a concrete harm.
- **Clark v. Trans Union**, 2016 WL 7197391, Civil Action No. 3:15cv391 (E.D. Va. Dec. 9, 2016)  
[Memorandum opinion denying Defendant's motion to dismiss](#) for lack of standing in a case brought under the FCRA, 15 U.S.C. § 1681g(a)(2). The court concludes that Plaintiff satisfies the requirements for Article III standing.
- **Collier v. SP Plus Corp.**, Case No. 3:15-cv-00180 (S.D. Ohio July 14, 2016)  
In this case, Plaintiff requested voluntary dismissal without prejudice after Defendant filed a motion to dismiss for alleged lack of standing. [The court proceeded to dismiss Plaintiffs' complaint without prejudice for failure to establish jurisdiction and to state a claim.](#) The further court found that, according to *Spokeo*, Plaintiffs had not suffered an injury as a result of the alleged statutory violation of FACTA, 15 U.S.C. §§ 1681 et seq..
- **Cruper-Weinmann v. Paris Baguette**, 14-3709-cv, and **Katz v. DKNY**, 15-464-cv, \_\_ Fed. Appx. \_\_, 2016 WL 3553448 (2nd Cir. June 30, 2016) [Summary Order Vacating District Court Judgments and Remanding FACTA cases.](#)
- **Deanna Smith, et al. v. The Ohio State University**, Case no. 2:15-cv-3030 \_\_ F. Supp. 3d \_\_, 2016 WL 3182675 (S.D. Ohio)

[Opinion dismissing a complaint for lack of standing in light of \*Spokeo\* in a claim brought under the Fair Credit Reporting Act](#) (FCRA) 15 U.S.C. § 1681b(b)(2)(A)(ii).

- ***Disalvo v. Intellicorp Records, Inc.***, Case No. 1:16-cv-1697, 2016 WL 5405258 (N.D. Ohio Sept. 27, 2016)  
[Opinion and order denying Defendant's motion to dismiss](#) and remanding a case alleging violation of the FCRA, 15 U.S.C. § 1681b(b)(1). Plaintiffs in this case did not argue that they suffered a concrete harm required for Article III standing under *Spokeo*, and instead argued that upon a determination that the court lacks jurisdiction, it must remand to state court. The court did so here.
- ***Feist v. Petco Animal Supplies, Inc.***, Case No. 3:16-cv-01369-H-DHB (S.D. Cal. Nov. 22, 2016)  
[Order denying Defendant's motion to dismiss](#) a case brought under the FCRA, 15 U.S.C. §1681b(b)(2)(A). The court finds that the question of whether Plaintiffs suffered a concrete injury-in-fact is better left for summary judgment.
- ***Firneno v. Radner Law Grp., PLLC***, Case No. 2:13-cv-10135, 2016 WL 5899762 (E.D. Mich. Sept. 28, 2016)  
[Order granting in part and denying in part Defendants' motion to strike](#) Plaintiff's first amended complaint or to dismiss Plaintiff's claim brought under the FCRA, 15 U.S.C. §§ 1681-1681x. In deciding standing in this case, the court looks to *Burke v. Fed. Nat'l Mortgage Ass'n*, No.3:16CV153-HEH, 2016 WL 4249496 (E.D. Va. Aug. 9, 2016). The court decides holds that Plaintiffs' right to privacy is "more substantive than procedural" and that Plaintiffs suffered a concrete harm.
- ***Fisher v. Enterprise Holdings, Inc.***, Case No. 4:15-cv-00372 AGF, 2016 WL 4665899 (E.D. Mo. Sept. 7, 2016)  
[Memorandum and order granting Defendant's motion for judgment on the pleadings in a case alleging violations of the FCRA](#), 15 U.S.C. §§ 1681, et seq. The Court finds that Plaintiff did not allege a concrete injury, and notes that "not all inaccuracies cause harm or present any material risk of harm." The Court cites an incorrect zip code as an example.
- ***Flaum v. Doctor's Associates, Inc.***, Case No. 16-61198, (S.D. Fla. Oct. 27, 2016)  
[Order denying Defendant's motion to certify order for immediate appeal](#). The case concerns a violation of FACTA, 15 U.S.C. § 1681(c)(g). Defendant moved to dismiss the complaint for lack of subject-matter jurisdiction because Plaintiff failed to allege an injury-in-fact. The Court denied Defendant's motion, and now denies Defendant's new motion for interlocutory appeal.
- ***Frankenfield v. Microbilt Corp.***, Civil No. 4:14-cv-1112, 2016 U.S. Dist. LEXIS 137944 (M.D. Pa. Oct. 3, 2016)  
[Opinion granting a motion to dismiss in a case alleging violation of the FCRA, 15 U.S.C. § 1681](#). The court finds that the Plaintiff has not alleged that he suffered the kind of concrete and particularized harm necessary to confer standing on him to maintain this action.
- ***Galaria; Hancox v. Nationwide Mutual Insurance Company***, Case Nos. 15-3386/3387 (6th Cir. Oct. 12, 2016)  
[Order denying Defendant's rehearing en banc request](#) in a case where the 6th Circuit found that Plaintiffs have Article III standing.
- ***Galaria; Hancox v. Nationwide Mutual Insurance Company***, Case Nos. 15-3386/3387, 2016 WL 4728027 (6th Cir. Sept. 12, 2016)  
[Opinion in a consolidated appeal where Plaintiffs allege claims for invasion of privacy, negligence, bailment, and violations of the FCRA](#), 15 U.S.C. § 1681. The Court finds that Plaintiffs have Article III standing and reverse and remand for further proceedings.
- ***Graham v. Pyramid Healthcare Solutions, Inc.***, 2016 WL 6248309, Case No. 8:16-cv-1324-T-30UAM (M.D. Fla. Oct. 26, 2016)  
[Order denying Defendant's motion to dismiss](#) for lack of standing in a case alleging violation of the FCRA, 15 U.S.C. §§ 1681b(b)(2)(A)(i) and 1681b(b)(2)(A)(ii). The court finds that Plaintiff

established Article III standing and that Defendant's interpretation of Spokeo is "misguided and contrary to the holding".

- **Groshek v. Time Warner Cable, Inc.**, Case No. 15-C-157, 2016 WL 4203506 (E.D. Wis. Aug. 9, 2016)  
[Opinion in a case brought under the FCRA](#), 15 U.S.C. §1681(b)(2)(A)(i), which was stayed pending the decision in Spokeo. The Court grants Defendant's motion to dismiss, finding that Plaintiff did not allege a concrete harm.
- **Hawkins v. S2Verify et al.**, Case No. 3:15-cv-03502, 2016 WL 3999458 (N.D. Cal. July 26, 2016)  
[Order](#) granting class certification in a FCRA claim, and finding that Plaintiff has alleged a harm that sufficiently establishes the concreteness requirement contained in Spokeo. The court distinguishes the harm alleges in this case from the examples given in Spokeo where a procedural violation would not result in concrete harm.
- **Henderson v. Corelogic Nat'l Background Date, LLC**, Civil Action No. 3:12CV97, 2016 U.S. Dist. LEXIS 119442 (E.D. Va. Sept. 2, 2016)  
[Opinion denying Plaintiffs' renewed motion for class certification in a case alleging violations](#) of the FCRA, 15 U.S.C. §§ 1681k(a) and 1681e(b). Defendant contends that Plaintiffs lack Article III standing, but the court notes that Defendants misapprehend the role of constitutional standing in the class action context. The court explains that Article III simply requires the named plaintiffs to have standing, and that is not questioned here.
- **Khan v. Children's National Health System**, CA No. TDC-15-2175, \_\_\_ F. Supp. 3d \_\_\_, 2016 WL 2946165 (D. Md.)  
[Opinion remanding case to state court for lack of standing in claim filed under the Maryland Consumer Protection Act](#), Md. Code Ann., Com. Law §§ 13-301 to 13-501 (2013), and the District of Columbia Consumer Protection Procedure Act, D.C. Code Ann., §§ 28-3901 to 28-3913 (2013)
- **Larroque v. First Advantage LNS Screening Solutions, Inc.**, Case No. 3:15-cv-04684-JSC, 2016 WL 4577257 (N.D. Cal. Sept. 2, 2016)  
[Order remanding case for lack of subject matter jurisdiction in a case alleging violations of the FCRA](#), 15 U.S.C. § 1681. The court concludes that Plaintiff has not alleged a concrete injury sufficient to confer Article III standing.
- **Larroque v. First Advantage LNS Screening Solutions, Inc.**, Case No. 3:15-cv-04684-JSC, 2016 WL 4577257 (N.D. Cal. Sept. 2, 2016)  
[Order remanding case for lack of subject matter jurisdiction](#) in a claim brought under the Fair Credit Reporting Act, 15 U.S.C. § 1681.
- **Larson v. Trans Union, LLC**, Case No. 12-cv-05726-WHO, 2016 WL 4367253 (N.D. Cal. Aug. 11, 2016)  
[Order regarding supplemental briefing](#) on Plaintiff's motion for class certification in a case brought under the FCRA, 15 U.S.C. 1681g(a). The order grants class certification and finds that Spokeo does not deprive Plaintiff of Article III standing.
- **Lewis v. Southwest Airlines Co.**, 2016 U.S. Dist. LEXIS 74887 (N.D. Cal.)  
[Opinion denying Plaintiff's Motion to Remand for lack of Article III standing under Spokeo in a claim brought under the Fair Credit Reporting Act \("FCRA"\)](#), 15 U.S.C. § 1681 et seq., the California Investigative Consumer Reporting Agencies Act ("ICRAA"), Cal. Civ. Code § 1786 et seq., and the California Consumer Credit Reporting Agencies Act ("CCRAA"), Cal. Civ. Code § 1785 et seq.
- **Meza v. Verizon Communications, Inc.**, Case No. 1:16-cv-0739 AWI MJS, 2016 WL 4721475 (E.D. Cal. Sept. 9, 2016)  
[Order denying Defendant's motion to dismiss a case alleging violations of the FCRA](#), specifically 15 U.S.C. § 1681b(b)(2)(A). The Court finds that the Complaint adequately alleges two concrete injuries (an informational injury and a privacy invasion).

- **Mix v. Asurion Insurance Services Incorporated**, 2016 WL 7229140, No. CV-14-02357-PHX-GMS (D. Ariz. Dec. 14, 2016)  
[Opinion denying Plaintiff's motion for class certification and denying Defendant's motion to dismiss](#) for lack of subject matter jurisdiction in a case brought under the FCRA, 15 U.S.C. § 1681b(b). The court finds that Plaintiff has standing to bring this action but denies the motion for class certification due to concerns of typicality.
- **Moody v. Ascenda USA Inc.**, Case No. 16-cv-60364-WPD, 2016 WL 5900216 (S.D. Fla. Oct. 5, 2016)  
[Order denying Defendant's motion to dismiss for lack of subject matter jurisdiction in a case brought pursuant to the FCRA](#), 15 U.S.C. § 1681. Defendants removed this case on federal question ground. On a prior motion to dismiss, the court rejected most of Defendant's arguments but that Plaintiffs had not sufficiently alleged that they suffered a concrete and particularized injury. Plaintiffs filed an amended complaint. The court now holds that Plaintiffs have indeed alleged a concrete and particularized injury sufficient for Article III standing under Spokeo.
- **Moody v. Ascenda USA, Inc.** C.A. No. 16-cv-60364, 2016 WL 4721240 (S.D. Fla. June 24, 2016)  
[Denial of Motion to Dismiss Plaintiff's Third Class Claim for Relief in a suit brought under the FCRA, 15 U.S.C. § 1681k\(a\)](#).
- **Noble v. Nev. Checker Cab Corp.**, 2:15-cv-02322-RCJ - VCF, 2016 WL 4432685 (D. Nev. Aug. 19, 2016)  
[Order granting Defendant's motion to dismiss a case](#) alleging that six taxi companies have violated FACTA, 15 U.S.C. § 1681c(g). The court finds that Plaintiffs have no Article III standing because the harm envisioned by Congress (credit card fraud) has not been made materially more likely to occur under the facts as alleged.
- **Nokchan v. Lyft, Inc.**, Case No. 15-cv-03008-JCS, 2016 WL 5815287 (N.D. Cal. Oct. 5, 2016)  
[Order granting motion to dismiss for lack of subject matter jurisdiction and dismissing case without prejudice](#). Plaintiff alleges violation of FCRA §§ 1681b(b)(2), 1681d(a)(1), 1681g(c), California's Investigative Consumer Reporting Agencies Act § 1786.16(a)(2)(B), and California's Consumer Credit Reporting Agencies Act § 1785.20.5(a). The Court finds Plaintiff has not met Article II's injury-in-fact requirement.
- **Perrill v. Equifax Information Services, LLC**, Case No. A-14-CA-612-SS, 2016 WL 4572212 (W.D. Tex. Aug. 31, 2016)  
[Order denying in part and granting in part Defendant's motion to dismiss a claim brought under the FCRA](#), 15 U.S.C. § 1681. The Court finds that Plaintiff suffered an invasion of privacy within the context of the FCRA that constitutes a concrete harm.
- **Salvatore v. Microbilt Corp.**, Civil No. 4:14-cv-1848, 2016 U.S. Dist. LEXIS 137943 (M.D. Pa. Oct. 3, 2016)  
[Opinion granting a motion to dismiss in a case alleging violation of the FCRA, 15 U.S.C. § 1681](#). The court finds that the Plaintiff has not alleged that he suffered the kind of concrete and particularized harm necessary to confer standing on him to maintain this action.
- **Schartel v. One Source Tech.**, Case No. 1:15-cv-1434, 2016 WL 6024558 (N.D. Ohio Oct. 14, 2016)  
[Memorandum of opinion and order denying Defendants' motion to dismiss](#) in a case arising out of the FCRA, 15 U.S.C. § 1681c(a). While the court finds that Plaintiff lacks standing because he fails to allege an injury-in-fact, the court holds that the proper action is to remand the action to state court instead of dismissing.
- **Sullivan v. Allied Interstate, LLC**, 2016 WL 7189859, Civil Action No. 16-203 (W.D. Pa. Dec. 9, 2016)  
[Memorandum Opinion](#) adopting the Magistrate's Report and Recommendation to deny Defendant's motion to dismiss for lack of subject matter jurisdiction. The court finds that

Plaintiff has alleged a concrete injury.

- **Thomas v. FTS**, C.A. No. 3:13-cv-825, 2016 WL 3653878 (E.D. Va.)  
[Memorandum Opinion on Motion for Summary Judgment in favor of claims brought under FCRA 15 U.S.C. § 1681b\(b\)\(2\)\(A\)\(i\) and 15 U.S.C. §§ 1681b\(b\)\(3\)\(A\)\(i\) and \(ii\).](#)
- **William Jones v. Waffle House, Inc.** CA No. 15-cv-1637, 2016 WL 3231298 (M.D. Fla. June 13, 2016)  
- [Order denying motions to dismiss challenging, inter alia, Article III standing to bring claims under the FCRA, Sections 1681b\(b\)\(1\)\(A\); 1681b\(b\)\(3\)\(A\); 1681b\(f\); 1681e\(a\), \(b\) and \(d\) and 1681\(k\)a.](#)
- **Witt v. Corelogic Saferent, LLC**, Case No. 3:15-cv-386, 2016 WL 4424955 (E.D. Va. Aug. 18, 2016)  
[Memorandum opinion granting in part and denying in part Defendant's motion for reconsideration in a case brought under the FCRA](#), 15 U.S.C. §§ 1681k(a), 1681b, 1681e(b).  
After Spokeo was decided, Defendants moved the Court to reconsider its decision granting in part and denying in part Defendant's second motion to dismiss. The Court finds that the Name Plaintiff has standing, but finds that the Newly Named Plaintiffs have failed to plead a "particularized" injury in Count I.
- [SEE RELEVANT FCRA BRIEFS HERE >>>](#)

## Fair Debt Collection Practices Act

- **Bautz v. ARS National Services, Inc.**, 2016 WL 7422301, No. 16-cv-768 (JFB) (SIL) (E.D.N.Y. Dec. 23, 2016)  
[Memorandum and order denying Defendant's motion to dismiss](#) for lack of standing in a case alleging violation of the FDCPA, 15 U.S.C. § 1692e. "The court finds that plaintiff has pled a concrete interest for the purpose of Article III standing . . . because a material violation of FDCPA Section 1692e infringes plaintiff's substantive statutory right to be free from abusive debt practices."
- **Bernal v. NRA Group, LLC**, Case No. 16 C 1904, 2016 WL 4530321 (N.D. Ill. Aug. 30, 2016)  
[Memorandum opinion and order granting Plaintiff's motion for class certification in a case alleging violations of the FDCPA](#), 15 U.S.C. § 1692 et seq.
- **Bock v. Pressler & Pressler, LLP**, Case No. 15-1056, 2016 WL 4011150 (3rd Cir. July 27, 2016)  
[Opinion](#) discussing the Supreme Court's "strong language" in Spokeo and remanding a claim brought under the FDCPA, 15 U.S.C. § 1692e, to the district court to determine in the first instance whether Plaintiff has Article III standing.
- **Bowse v. Portfolio Recovery Associates, LLC**, No. 15 C 4037, 2016 WL 6476545 (N.D. Ill. Nov. 2, 2016)  
[Memorandum opinion and order denying Defendant's motion](#) and granting Plaintiff's in a case brought under the FDCPA, 15 U.S.C. § 1692 et. seq. "Because Bowse has alleged a violation of § 1692e(8) of the FDCPA . . . Bowse has Article III standing to bring this suit."
- **Chapman v. Bowman, Heintz, Boscia & Vician, PC**, Case No. 2:15-CV-120, 2016 WL 3247872 (N.D. Ind, June 13, 2016) approving class action settlement and holding, in Footnote 1, that "Spokeo largely reiterated long-standing principles of Article III standing, and did not clearly disrupt appellate precedent holding that plaintiffs...have standing to bring this type of claim under the FDCPA  
[Order approving class action settlement](#)
- **Church v. Accretive Health**, Case No. 15-15708, 2016 WL 3611543 (11th Cir. July 6, 2016)  
[Opinion](#) affirming the district court's decision in which it granted summary judgment in favor of the Defendant, but finding that Plaintiff alleged a concrete injury sufficient to establish Article III standing in a FDCPA case.

- ***Daubert v. NRA Group, LLC***, Civil Action No. 3:15-cv-00718, 2016 WL 4245560 (M.D. Penn. Aug. 11, 2016):  
[Memorandum denying Defendant's motion to dismiss](#) for lack of Article III standing in a case alleging a violation of the FDCPA, 15 U.S.C. § 1692. The Court finds that Plaintiff's injury of an "unlawful disclosure of legally protected information" constitutes an injury-in-fact sufficient to satisfy Article III standing and does not find Defendant's attempts to distinguish Nickelodeon, 2016 WL 3513782 unpersuasive.
- ***Dickens v. GC Services Limited Partnership***, Case No. 8:16-cv-803-T-30TGW, 2016 WL 3917530 (M.D. Fla., July 20, 2016)  
[Order in a FDCPA case denying Defendant's motion to dismiss a claim alleging violations of 15 U.S.C. § 1692 et seq.](#) The court finds that Defendant "grossly misreads" *Spokeo* and clarifies that an alleged failure to comply with a federal law may be enough to confer standing. The court also points to *Church v. Accretive Health, Inc.*, \_\_\_ Fed.Appx. \_\_\_, 2016 WL 3611543 (11th Cir. July 6, 2016) where the 11th Circuit found that standing existed in a case nearly identical to this one.
- ***Dilallo v. Miller***, No. 16 C 51, 2016 WL 4530319 (N.D. Ill. Aug. 30, 2016)  
[Memorandum opinion denying Defendants' motions to dismiss a claim alleging violations of the FFCPA](#), 15 U.S.C. §§ 1692e, 1692i. The Court finds that the alleged violation of the FDCPA is a material one and has shown standing.
- ***Evans v. Portfolio Recovery Associates, LLC***, Case No. 15 C 4498 (E.D. Ill. Nov. 20, 2016)  
[Memorandum opinion and order in an action](#) filed under the FDCPA, 15 U.S.C. § 1692e(8) granting Plaintiff's motion for summary judgment. The court finds that Plaintiff has standing because "the presence of inaccurate information on one's credit record poses a readily apparent risk of harm."
- ***Gomez v. Portfolio Recovery Associates, LLC***, No. 15 C 4499, 2016 WL 3387158 (N.D. Ill. June 20, 2016)  
[Memorandum opinion denying Defendant's motion for summary judgment](#) and granting Plaintiff's in a case brought under the FDCPA, 15 U.S.C. § 1692e(8). The court notes that the Seventh Circuit "has clearly indicated that a plaintiff has the option under the FDCPA to seek only statutory damages," and that Plaintiff therefore has Article III standing here.
- ***Hall v. Global Credit & Collection Corporation***, Case No. 8:16-cv-1279-T-30AEP, 2016 WL 4441868 (M.D. Fla. Aug. 23, 2016)  
[Order denying Defendant's motion to dismiss a claim brought under the FDCPA, 15 U.S.C. § 1692 et seq., and Florida's Consumer Collection Practices Act](#), Fla. Stat. § 559.72. The Court finds that Defendant "grossly misreads *Spokeo*," and instead agrees with the Eleventh Circuit's reasoning in *Church v. Accretive Health, Inc.*, \_\_\_ Fed.Appx. \_\_\_, 2016 WL 3611543 (11th Cir. July 6, 2016).
- ***Hayes v. Convergent Healthcare Recoveries, Inc.***, Case No. 14-1467, 2016 WL 5867818 (C.D. Ill. Oct. 7, 2016)  
[Order and Opinion in a case brought under the FDCPA on a renewed motion for class certification](#). Defendant's oppose Plaintiff's motion arguing that Plaintiff suffered no actual damages and does not meet Article III's standing requirements. The court disagrees and grants Plaintiff's motion.
- ***Hayes v. Convergent Healthcare Recoveries, Inc.***, Case No. 14-1467, 2016 WL 5867818 (C.D. Ill. Oct. 7, 2016)  
[Order and opinion granting Plaintiff's renewed motion](#) for class certification in a case alleging violation of the FDCPA, 15 U.S.C. § 1692e. Defendant opposes Plaintiff's motion, arguing lack of Article III standing. The court holds that Plaintiff did present evidence of a concrete injury and that Plaintiff has satisfied the *Spokeo* requirements for standing.
- ***Horowitz v. GC Services Limited Partnership***, 2016 WL 7188238, Case No. 14cv2512-MMA RBB (S.D. Cal. Dec. 12, 2016)

[Order granting in part and denying in part Defendant's motion for summary judgment](#) in a case brought under the FDCPA, 15 U.S.C. § 1692 et seq.; the Rosenthal Act, California Civil Code § 1788 et seq.; the TCPA 47 U.S.C. § 227 et seq.; and the California Invasion of Privacy Act, California Penal Code § 631 et seq. The court finds that "Plaintiff Hamby lacks both Article III and statutory standing to sue for a violation of the TCPA" and grants Defendant's motion for summary judgment as to Plaintiff's TCPA claim.

- ***In re Robinson v. JH Portfolio Debt Equities, LLC***, Case No. 15-30223, 2016 WL 4069395 (W.D. La. July 28, 2016)

[Opinion in a case brought under the FDCPA](#), 15 U.S.C. § 1692, finding that Plaintiff has standing. The court granted Defendant's motion to dismiss for failure to state a claim, but is allowing Plaintiff to file an amended complaint.

- ***Irvine v. I.C. System, Inc.***, No. 14-cv-01329-PAB, KMT, 2016 U.S. Dist. LEXIS 99880, 2016 WL 4196812, — F.Supp.3d — (D.Colo. July 29, 2016)

[Order denying Defendant's motion to dismiss and granting Plaintiff's motion to enter judgment in favor of Plaintiff in a case arising out of the FDCPA](#), 15 U.S.C. § 1692. The Court agrees that Plaintiff suffered a concrete injury sufficient to establish Article III standing.

- ***Jackson v. Abendroth***, No. 4:16-cv-00113-RGE-HCA, 2016 WL 4942074 (S.D. Iowa Sept. 12, 2016)

[Order granting Defendant's motion to dismiss](#) for lack of subject matter jurisdiction in a case alleging violations of the FDCPA, 15 U.S.C. § 1692g(b).

- ***Kaymark v. Urden Law Offices, P.C.***, 2016 WL 718740, Civil Action No. 13-419 (W.D. Pa. Dec. 12, 2016)

[Memorandum order denying Defendant's motion to dismiss](#) in a case alleging violations of the FDCPA, 15 U.S.C. §§ 1692e(2)(A), (5), (10), and 1692f(1), and of the Pennsylvania Unfair Trade Practices and Consumer Protection Law, 73 P.S. § 201-1 et seq. Defendant contends that Spokeo undermines Plaintiff's Article III standing and supports Defendant's argument that the remaining FDCPA claims lack materiality. The court finds that Defendant's "alleged violation of Kaymark's right to truthful information and freedom from efforts to collect unauthorized debt constitutes a concrete injury and satisfies Article III's injury-in-fact requirement."

- ***Lane v. Bayview Loan Servicing, LLC.***, No. 15 C 10446, 2016 WL 3671467 (N.D. Ill. July 11, 2016)

[Opinion denying Defendant's motion to dismiss](#) based on *Spokeo* grounds, finding that the injury alleged was sufficiently concrete to confer standing in a claim alleging violations of the FDCPA, 15 U.S.C. § 1692, et seq.

- ***Linehan v. Allianceone Receivables Management, Inc.***, Case No. C15-1012-JCC, 2016 WL 4765839 (W.D. Wash. Sept. 13, 2016)

[Order denying Defendant Friedman's motion as to standing and a motion as to vagueness and granting in other parts. Plaintiffs allege that Defendants violated the FDCPA](#), 15 U.S.C. § 1692i(a)(2). The Court finds that by alleging a violation of § 1692i, the Simmons Plaintiffs articulated a concrete harm.

- ***Long v. Fenton & McGarvey Law Firm P.S.C.***, 2016 WL 7179367, No. 1:15-cv-01924-LJM-DML (S.D. Ind. Dec. 9, 2016)

[Order denying Defendants' motion to dismiss](#) for lack of subject matter jurisdiction and motion for judgment on the pleadings in a case brought under the FDCPA. The court finds that Plaintiff has Article III standing because "the alleged injury is a defined and cognizable harm under the FDCPA, it is more than a bare procedural violation of the statute."

- ***Macy v. GC Services Limited Partnership***, 3:15-cv-819-DJH, 2016 WL 5661525 (W.D. Ky. Sept. 29, 2016)

[Memorandum opinion and order denying Defendants' motions to dismiss](#) for lack of subject matter jurisdiction in a case alleging a violation of the FDCPA, 15 U.S.C. § 1692. The court does not agree with the "expansive" reading of *Spokeo* supported by *Church v. Accretive*

Health, Inc., No. 15-15708, 2016 WL 3611543 (11th Cir. July 6, 2016). Nonetheless, the court here finds that Plaintiffs complaint sufficiently alleges an injury-in-fact.

- **McCamis v. Servis One, Inc.**, Case No. 8:16-cv-1130-T-30AEP, 2016 WL 4063403 (M.D. Fla. July 29, 2016)  
[Opinion in a debt collection case brought under the Florida Consumer Collection Practices Act, Fla. Stat. § 559.55 et seq., the FDCPA](#), 15 U.S.C. § 1692 et seq., and 11 U.S.C. § 105(1). Defendant moved to dismiss the case arguing that Plaintiff lacked Article III standing because he did not plead an injury-in-fact. The court concluded that Plaintiff had standing and proceeded to grant in part, and deny in part the motion to dismiss. One count was dismissed without prejudice to Plaintiff to pursue in the bankruptcy court.
- **McWilliams v. Advanced Recovery Systems, Inc.**, 3:15-cv-70-CWR-LRA, 2016 WL 6208633 (S.D. Miss. Oct. 20, 2016)  
[In this order of preliminary approval](#) of class action settlement, the court notes that it has subject matter jurisdiction over this action alleging violation of the FDCPA, 15 U.S.C. §§ 1692 et seq., because Plaintiff alleges that she alleged an injury-in-fact fairly traceable to the challenged conduct that is likely to be redressed by a favorable judicial decision in line with the Spokeo case.
- **Mogg v. Jacobs**, Case No. 15-cv-1142-JPG-DGW, 2016 WL 4395899 (S.D. Ill. Aug. 18, 2016):  
[Memorandum and order](#) denying the parties' cross-motions for summary judgment in a case alleging violations of the FDCPA, 15 U.S.C. § 1692, and finding that Plaintiff's intangible injury as a consequence of being a defendant in a collection action suffices to satisfy Article III standing requirements.
- **Munger v. Financial Credit Services, Inc.**, Case No. 16-11008, 2016 WL 4593832 (E.D. Mich. Sept. 2, 2016)  
[Opinion and order granting Defendant's motion to vacate](#) entry of default judgment in a case alleging violations of the FDCPA, 15 U.S.C. §§ 1692 et seq., and the Michigan Collection Practices Act, M.C.L.A. §§ 445.252(f)(i-ii) and 445.252(h). Defendant argues that Plaintiff did not adequately allege an injury-in-fact as required by Spokeo. The court focuses on other factors in ruling that there is good cause to set aside the judgment.
- **Nyberg v. Portfolio Recovery Associates**, No. 3:15-cv-01175, 2016 WL 3176585, at \*7 (D. Or. June 2, 2016)  
[Order granting in part judgment on the pleadings in a claim brought under the Fair Debt Collection Practices Act \(FDCPA\)](#), 15 U.S.C. § 1692a. Court finds that the plaintiff suffered a concrete, particularized injury.
- **Perry v. Columbia Recovery Group, LLC**, C16-0191JLR, 2016 WL 6094821 (W.D. Wash. Oct. 19, 2016)  
[Order granting motion to dismiss](#) with leave to amend in a case brought under the FDCPA, 15 U.S.C. § 1692g. The court finds that Plaintiff only alleged procedural violations of sections 1692g(a) and (b) of the FDCPA and that such violations do not constitute a concrete injury. The court notes that such a failure to allege a concrete injury may reflect "a mere pleading defect" and therefore grants leave to amend.
- **Prindle v. Carrington Mortg. Services, LLC**, Case No. 3:13-cv-1349-J-34PDB, 2016 WL 4369424 (M.D. Fla. Aug. 16, 2016):  
[Order finding that Plaintiff has Article III standing and granting in part and denying in part Defendant's motion for summary final judgment](#). The Court concludes that Plaintiff has alleged an injury-in-fact sufficient to establish Article III standing in a case alleging violations of the FDCPA, 15 U.S.C. §§1692-1692p, and that the "FDCPA unambiguously grants recipients of debt-collection communications (such as Prindle) a right to be free from abusive collection practices."
- **Provo v. Rady Children's Hospital**, Case No. 15-cv-00081-JM(BGS), 2016 WL 4625556 (S.D. Cal. Sept. 6, 2016)



[Order granting Defendant's motion to dismiss for lack of standing in a claim brought under the FDCPA](#), 15 U.S.C. § 1692 et seq., and California's Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788 et seq.. The Court finds that Plaintiff failed to adequately plead an injury in fact. The Court grants Plaintiff's leave to amend.

- **Quinn v. Specialized Loan Servicing, LLC**, Case No. 1:16-cv-2021, 2016 WL 4264967 (N.D. Ill. Aug. 11, 2016):  
[Memorandum opinion and order](#) in a case alleging violations of the FDCPA, 15 U.S.C. § 1692, and the Illinois Consumer Fraud and Deceptive Practices Act, 815 ILCS 505/1 et seq. The Court grants in part and denies in part Defendant's motion to dismiss, and allows Plaintiffs to amend the complaint to include more specific allegations of pecuniary harm. The Court finds that Plaintiffs' alleged injury satisfies Article III.
- **Quinn v. Specialized Loan Servicing, LLC**, 16 CV 2021, 2016 WL 4264967 (N.D. Ill. Aug. 11, 2016)  
[Memorandum opinion and order granting in part and denying in part Defendant's motion to dismiss a case](#) alleging violations of the FDCPA, 15 U.S.C. § 1692 et seq., and the Illinois Consumer Fraud and Deceptive Practices Act ("ICFA"), 815 ILCS 505/1 et seq. The court finds that Defendant's failure to provide Plaintiffs with information required under the FDCPA constitutes a sufficiently concrete harm to establish Article III standing.
- **Saenz v. Buckeye Check Cashing of Ill.**, 16 CV 6052, 2016 WL 5080747 (N.D. Ill. Sept. 20, 2016)  
[Memorandum opinion and order denying in part and granting in part Defendant's motion to dismiss a case](#) brought under the FDCPA, 15 U.S.C. § 1692 et seq. The court finds that Plaintiff alleged a concrete injury sufficient to establish Article III standing but cannot allege facts sufficient to support a claim that Defendant meets the statutory definition of a debt collector under the FDCPA.
- **Sayles v. Advanced Recovery Systems, Inc.**, Cause No. 3:14-cv-911-CWR-FKB, 2016 WL 4522822 (S.D. Miss. Aug. 26, 2016)  
[Memorandum opinion and order finding that Defendant violated](#) 15 U.S.C. § 1692e(8) and entering judgment in favor of the Plaintiff. The Court finds that plaintiff's alleged injury is both particularized and concrete.
- **Tourgeman v. Collins Financial Services, Inc.**, Case No. 08-CV-1392 CAB (NLS)
  - [Order dismissing Plaintiff's FDCPA claim](#) brought under 15 U.S.C. § 1692(e)(1) & (3) for lack of standing as to his complaint about a letter. The court did, however, find that Plaintiff has Article III standing to pursue his FDCPA claim, 15 U.S.C. § 1692(e)(1), regarding the complaint filed in state court. 2016 WL 3919633 (S.D. Cal., June 16, 2016).
  - [Order dismissing class claim](#) in an FDCPA suit after standing was established due to a lack of competent evidence offered to establish the proper amount of damages that the finder of fact may consider in the award of statutory damages. Because this necessary element of the class claim cannot be proved, the class claim is dismissed. 2016 WL 3854540 (S.D. Cal., July 15, 2016).
- **Ziogiannis v. Seterus Inc.**, 2016 WL 7410541, No. 15-cv-05884 (SJF)(ARL) (E.D.N.Y. Nov. 28, 2016)  
[Opinion and order granting in part and denying in part Defendant's motion](#) in a case brought under the FDCPA, 15 U.S.C. § 1692 et seq. The court finds that Plaintiff's allegations establish an injury-in-fact sufficient to establish Article III standing.
- [SEE RELEVANT FDCPA BRIEFS HERE >>>](#)

## Telephone Consumer Protection Act

- **A.D. v. Credit One Bank, N.A.**, Case No. 1:14-cv-10106, 2016 WL 4417077 (N.D. Ill. Aug. 19, 2016)

[Memorandum opinion and order](#) denying Plaintiff's motion for class certification, denying Defendant's motion to dismiss, and granting Defendant's motion to compel arbitration and stay proceedings. The Court finds that "[t]here is no gap – there are not some kinds of violations of [the TCPA, 47 U.S.C.] section 227 that do not result in the harm Congress intended to curb, namely the receipt of unsolicited telemarketing calls that be their nature invade the privacy and disturb the solitude of their recipients."

- **Aranda v. Caribbean Cruise Line, Inc.**, Case No. 12 C 4069, 2016 WL 4439935 (N.D. Ill. Aug. 23, 2016)  
[Memorandum and order denying Defendant's motions to decertify the classes and for summary judgment in a case alleging violations of the TCPA](#), 47 U.S.C. § 227. The Court states that "there are not some kinds of violations of section 227 that do not result in the harm Congress intended to curb".
- **Booth v. Appstack, Inc.**, 2016 WL 3030256 (W.D. Wash. May 24, 2016) [Order declining to dismiss on Spokeo grounds](#) granting in part Plaintiff's motion for summary judgement on claim brought under TCPA, 47 U.S.C. § 277, the Washington Dialing and Announcing Device Act, RCW 80.36.400, and the Washington Consumer Protection Act, RCW 19.86 et seq., reconsideration denied, 2016 WL 3620798 (W.D. Wash, June 28, 2016)
- **Brodsky v. Humanadental Insurance Company**, Case No. 1:10-cv-03233, 2016 WL 5476233 (N.D. Ill., Sept. 29, 2016)  
[Memorandum opinion and order denying Defendant's motion to dismiss for lack of subject matter jurisdiction in a case alleging violation of the TCPA, 47 U.S.C. § 227 et seq.](#) The Court finds that Plaintiff and the putative class allege a concrete injury.
- **Cabiness v. Educational Financial Solutions, LLC**, Case No. 16-cv-01109-JST, 2016 WL 5791411 (N.D. Cal.)  
[Order denying Defendant's motion to dismiss and motion to stay proceedings in a claim brought under the TCPA](#), 47 U.S.C. § 227(b)(1)(A)(iii). The Court finds that "a statutory violation of Section 227(b)(1)(A)(iii) of the TCPA necessarily harms the recipient of the unwanted calls such that the statutory violation is sufficient on its own to constitute an injury in fact."
- **Caito v. Ocwen Loan Servicing, LLC**, Case No. 8:15-cv-2472-T-17TBM (M.D. Fla. Dec. 9, 2016)  
[Order denying Defendant's motion to dismiss](#) in a case brought under the TCPA, 47 U.S.C. § 227 et seq., and the Florida Consumer Collection Practices Act. The court finds that Plaintiff suffered a concrete injury, noting that "[t]he occupation of a call recipients telephone line is a specific injury targeted by the TCPA."
- **Caudhill v. Wells Fargo Home Mortgage, Inc.**, Civil Action No. 5:16-066-DCR, 2016 WL 3820195 (E.D. Ky. July 11, 2016):  
[Memorandum opinion and order](#) in a case arising out a TCPA, 47 U.S.C. § 227(b), claim. The Court finds that Plaintiff has sufficiently demonstrated that his alleged harm is fairly traceable to the challenged conduct and that he has therefore established standing.
- **Cour v. Life360, Inc.**, Case No. 16-cv-00805-TEH, 2016 WL 4039279 (N.D. Cal. July 28, 2016)  
[Order granting Defendant's motion to dismiss a claim brought under the TCPA](#), 47 U.S.C. § 227, and California's unfair competition law, Cal. Bus. & Prof. Code §§ 17200, et seq. The court noted that this case is "indistinguishable" from Meyer v. Bebe Stores, Inc., in terms of questions related to standing. The court found that Plaintiff alleged a concrete injury sufficient to confer Article III standing.
- **Davis Neurology v. DoctorDirectory.com LLC**, Case No. 4:16-cv-00095 BSM (E.D. Ark. June 29, 2016)  
[Order remanding case back to state court after defendant conceded that there is a lack of Article III standing in a claim brought under the TCPA](#), 47 U.S.C. § 227, and C.F.R. § 64.1200(a)(3)(iii) and (iv)

- ***Errington v. Time Warner Cable Inc.***, 2016 WL 2930696, at \*2-3 (C.D. Cal.)  
[Opinion finding that a stay is not warranted pending Spokeo decision in claim brought under TCPA, 47 U.S.C. § 609, and the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code § 1788](#)”  
N.B. Motion to stay proceedings was submitted on February 24, 2016 before *Spokeo* was decided. The opinion in *Errington* was granted after *Spokeo* was decided, and comments on *Spokeo*.
- ***Etzel v. Hooters of America, LLC***, Civil Action No. 1:15-cv-01055-LMM (N.D. Ga. Nov. 15, 2016)  
[Order denying Defendant’s motion to dismiss](#) for lack of subject matter jurisdiction in a case brought under the TCPA, 47 U.S.C. § 227. The Court finds that the sending of a single text message in violation of the TCPA constitutes an injury-in-fact.
- ***Evans v. National Auto Division, LLC***, Civ. No. 15-8714, 2016 WL 4770033 (D. N.J. Sept. 13, 2016)  
[Opinion denying Defendant’s motion to dismiss, and denying Plaintiff’s motion for partial summary judgment in a case alleging violations of the TCPA](#), 47 U.S.C. § 227. The Court finds that Plaintiff alleges injuries adequate for standing purposes under Article III.
- ***Fauley v. Drug Depot, Inc.***, No. 15 C 10735, 2016 WL 4591831 (N.D. Ill. Aug. 31, 2016)  
[Order denying Defendant’s motion to dismiss a claim brought under the TCPA](#), 47 U.S.C. § 227. The Court finds that while Plaintiff’s allegation that the fax at issue constituted an invasion of privacy does not allege injury as required under Article III, his other allegations do.
- ***Garrett v. Scana Energy Marketing, Inc.***, Civil Action No. 1:15-cv-3881-RWS (N.D. Ga. Aug. 10, 2016):  
[Order denying Defendant’s motion for judgment on the pleadings in a case brought under the TCPA, 47 U.S.C. §227.](#)
- ***Hewlett v. Consolidated World Travel, Inc.***, Civ. No. 2:16-713 WBS AC, 2016 WL 4466536 (E.D. Cal. Aug. 23, 2016)  
[Memorandum and order denying Defendant’s motion to dismiss a claim brought under the TCPA](#), 47 U.S.C. § 227 et seq., for lack of subject matter jurisdiction. The Court finds that Plaintiff’s allegations are sufficient to satisfy Article III, and notes that “[c]ourts have consistently held that allegations of nuisance and invasion of privacy in TCPA actions are sufficient to state a concrete injury under Article III.”
- ***Holderread v. Ford Motor Credit Company, LLC***, Civil Action No. 4:16-cv-00222 (E.D. Tex. Oct. 26, 2016)  
[Memorandum opinion and order denying Defendant’s motion to dismiss](#) a claim brought under the TCPA, 47 U.S.C. § 227, et seq. “The Court finds a TCPA violation can cause intangible concrete harm.”
- ***\*Juarez v. Citibank***, Case No. 16-cv-01984-WHO, 2016 WL 4547914 (N.D. Cal. Sept. 1, 2016)  
[Order denying Defendant’s motion to dismiss and to strike a claim brought under the TCPA](#), 47 U.S.C. § 227 et seq., and California’s Rosenthal Fair Debt Collection Practices Act, Civil Code 1788 et seq. The Court finds that Plaintiff’s allegations are sufficient to allege a concrete and particularized injury.
- ***JWD Automotive, Inc. v. DJM Advisory Group LLC, et al.***, Case No. 2:15-cv-793-FtM-29MRM (M.D. Fla. Nov. 21, 2016)  
[Opinion and order denying Defendants’ motions to dismiss](#) a case brought under the TCPA, as amended by the Junk Fax Protection Act of 2005, 47 U.S.C. § 227, et seq. The court finds that “the injuries alleged in Plaintiff’s Complain are not mere ‘procedural’ statutory violations; rather, they are precisely the kinds of harm the TCPA aims to prevent.”
- ***Klein v. Hyundai Capital America***, Case No. 8:16-cv-01469-JLS-JCGx (C.D. Cal. Dec. 6, 2016)  
[Order denying Defendant’s motion to dismiss](#) or stay proceedings in a case brought under the

TCPA, 47 U.S.C. §§ 227(b)(1)(A) and (b)(3). “Here, both history and Congress’ judgment confirm that unsolicited robocalls cause sufficiently concrete harm to establish Article III standing.”

- **Krakauer v. Dish Network**, L.L.C., Case No. 1:14-cv-333, 2016 WL 4272367 (M.D. N.C. Aug. 5, 2016)  
[Order in a case brought under the TCPA](#), 47 U.S.C. § 227(c), denying Defendant’s motion to dismiss and finding that Plaintiff suffered a concrete injury. The Court finds that “[t]elemarketing calls made in violation of the Telephone Consumer Protection Act . . . are more than bare procedural violations.”
- **LaVigne v. First Community Bancshares, Inc.**, Civil No. 1:15-cv-00934-WJ-LF, 2016 WL 6305992 (D. N.M. Oct. 19, 2016)  
[Memorandum opinion and order denying Defendants’ motion to dismiss](#) for lack of subject matter jurisdiction in a case alleging violation of the TCPA, 47 U.S.C. §227(a)(1). The court finds that a violation of the TCPA constitutes a concrete harm for an Article III injury-in-fact requirement and notes that most courts that have addressed this issue have sided with plaintiffs.
- **Mey v. Got Warranty**, C.A. 5:15-cv-101, 2016 WL 3645195 (N.D. W. Va. June 30, 2016)  
[Denial of Motion to Dismiss TCPA case](#)
- **Rogers et al. v. Capital One Bank (USA)**, No. 1:15-cv-04016, 2016 WL 3162592 (N. D. Ga. June 7, 2016)  
[Order denying defendant’s motion to dismiss as well as an alternative motion to stay in light of Spokeo in a claim brought under 47 U.S.C. § 227\(b\)\(1\)\(A\)\(iii\)](#). Order discusses Plaintiff’s concrete and particularized injury under the TCPA.
- **Romero v. Department Stores National Bank**, Case No. 15-cv-193-CAB-MDD, 2016 WL 4184099 (S.D. Cal. Aug. 5, 2016)  
[Order granting Defendants’ motion to dismiss for lack of subject matter jurisdiction in a case arising out of California’s Rosenthal Fair Debt Collection Practices Act](#), Cal. Civ. Code § 1788 et seq., and the TCPA, 47 U.S.C. §227.
- **Sartin v. EKF Diagnostics, Inc. & Stanbio Laboratory, L.P.**, C.A. No. 16-1816, 2016 WL 3598297 (E.D. La. July 5, 2016)  
[Order granting Defendant’s Motion to Dismiss, finding that complaint fails to indicate that a concrete harm occurred in a claim brought under TCPA as amended by the Junk Fax Prevention Act of 2005, 47 U.S.C. § 227.](#)
- **Smith v. Aitima Med. Equip., Inc.**, Case No. ED CV 16-0039-AB, 2016 WL 4618780 (C.D. Cal. July 29, 2016)  
[Opinion granting Defendant’s motion to dismiss without leave to amend a claim alleging violations of the TCPA](#), 47 U.S.C. § 227 et seq. The Court finds that “Plaintiff’s de minimis injury is not sufficient to confer standing.”
- **Stoops v. Wells Fargo, C.A** No. 3:15-83, 2016 WL 3566266 (W.D. Pa, June 24, 2016)  
[Order granting defendant summary judgment and denying plaintiff summary judgment, finding a lack of constitutional or prudential standing to bring claims under the TCPA.](#)
- **Tel. Sci. Corp. v. Asset Recovery Solutions**, LLC, No. 15-cv-5182, 2016 WL 4179150 (N.D. Ill. Aug. 8, 2016)  
[Memorandum opinion and order denying Defendant’s motion to dismiss for lack of Article III standing, and granting with prejudice Defendant’s motion to dismiss for failure to state a claim. Plaintiff alleges a violation of the TCPA](#), 42 U.S.C. §227. The Court declines to dismiss for lack of standing because Plaintiff’s injuries “were not entirely self-caused,” and because they were “fairly traceable” to Defendant’s alleged conduct.
- **Ung v. Universal Acceptance Corporation**, Case No. 15-127 (RHK/FLN), 2016 WL 4132244 (D. Minn. Aug. 3, 2016)  
[Order denying Defendant’s motion to dismiss for lack of standing in a case alleging violations](#)

[of the TCPA](#), 47 U.S.C. § 227 et seq. The court notes that it has been “repeatedly recognized that the receipt of unwanted phone calls constitutes a concrete injury sufficient to create standing under the TCPA”.

- **Wilkes v. CareSource Management Group Co.**, 2016 WL 7179298, Case No. 4:16-cv-038 JD (N.D. Ind. Dec. 9, 2016)  
[Order denying Defendants’ motion to dismiss](#) for lack of standing in a case brought under the TCPA, 47 U.S.C. § 227(b)(1)(A)(iii). The court finds that Plaintiffs’ allegations are sufficient to plausibly allege that both Melissa and Benjamin Wilkes suffered a concrete injury-in-fact.
- [SEE RELEVANT TCPA BRIEFS HERE >>>](#)

## Other

- **Adler v. Bank of America, N.A.**, Case No. 7:14-cv-00947, 2016 WL 3944753 (S.D.N.Y., July 15, 2016)  
[Opinion and Order](#) finding that Plaintiffs have Article III standing in claims brought under the New York Real Property Law (“RPL”), § 275, and the New York Real Property Actions and Proceeding Law (“RPAPL”), § 1921. The court finds that the violation of the procedural right created by RPL § 275 and RPAPL § 1921 constitutes a concrete injury.
- **Allco Finance Limited v. Klee**, Civil Action Nos. 3:15-cv-608 (CSH), 3:16-cv-508 (CSH) (related cases with identical parties), 2016 WL 4414774 (D. Conn. Aug. 18, 2016)  
[Omnibus ruling in related cases on motions to dismiss complaints alleging violations of federal energy statutes and for preliminary injunctive relief](#). The Court finds that Allco lacks standing to assert claims and request the relief in question.
- **Altman v. White House Black Market, Inc.**, C.A. No. 1:15-cv-2451-SCJ, 2016 WL 3946780 (N.D. Ga. July 13, 2016)  
[Order denying Defendant’s motion to dismiss and rejecting the final report and recommendation which found that Plaintiff lacked standing in a claim brought under FACTA, 15 U.S.C. § 1681\(g\)\(1\)](#).
- **American Farm Bureau Federation v. U.S. Environmental Protection Agency**, Case No. 15-1234, 836 F.3d 963 (8th Cir. Sept. 9, 2016)  
[Opinion reversing and remanding a case brought under the Administrative Procedure Act \(“APA”\), 5 U.S.C. §706\(2\)\(A\)](#). The Court finds that the disclosure of already public information by the EPA, allegedly shared in violation of FIA, constitutes an injury in fact.
- **Attias v. Carefirst, Inc.**, Case No. 15-cv-00882 (CRC), 2016 WL 4250232 (D.D.C. Aug. 10, 2016)  
[Opinion in a case brought under the D.C. Consumer Protection Act, D.C. Code § 28-3905\(k\)\(1\), the D.C. Data Breach Notification Statute](#), D.C. Code, Loc. Bus. Aff. §28-3851, et seq., the Maryland Consumer Protection Act, Md. Commercial Law Code Ann. § 14-3501, and the Virginia Consumer Protection Act, Va. Code Ann. § 59.1-200. The Court grants Defendant’s motion to dismiss for lack of subject matter jurisdiction, finding that Plaintiffs did not plausibly allege a concrete harm.
- **Barber v. Bryant**, Cause No. 3:16-cv-416-CWR-LRA, 3:16-cv-442-CWR-LRA, 2016 WL 3562647 (S.D. Miss. June 30, 2016)  
[Plaintiffs in this case sought to enjoin a new state law, alleging that the law violates the First and Fourteenth Amendments](#). Defendant’s challenged Plaintiffs’ standing, arguing that Plaintiffs’ injuries are speculative not imminent, and that Plaintiffs are not the objects of the law in question. The court disagreed and found that Plaintiffs will suffer a concrete and particular injury. The law was enjoined.  
Appeal filed by Campaign for Southern Equality, et al. v. Phil Bryant, 5th Cir., July 8, 2016.
- **Beeler v. Tennessee Valley Authority**, Case No. 3:15-cv-580, 2016 WL 3937404 (E.D. Tenn. July 18, 2016)

- [Opinion](#) granting Defendant's motion to dismiss a case alleging constitutional torts, and finding that "Plaintiff's 'public trust' claim is precisely the type of generalized grievance against the government that Article III precludes".
- ***Bellino v. JPMorgan Chase Bank, N.A.***, Case No. 14-cv-3139, 2016 WL 5173392 (NSR) (S.D.N.Y. Sept. 20, 2016)  
[Opinion and order denying Defendant's motion for summary judgment in a case alleging violations of Section 275 of the New York Real Property Law and Section 1921 of the New York Real Property Actions and Proceedings Law.](#) The Court finds that Plaintiff clearly suffered an injury-in-fact.
  - ***Bona Fide Conglomerate v. Sourceamerica***, Case No. 3:14-cv-00751-GPC-DHB, 2016 WL 3543699 (S.D. Cal. June 29, 2016)  
[Order granting in part and denying in part counter-defendants' motion to dismiss](#) Plaintiff's amended counterclaims and finding that Plaintiff has alleged an injury satisfying Article III standing in a claim alleging violations of the Sherman Act, 15 U.S.C. § 1 and breach of contract.
  - ***Boelter v. Advance Magazine Publishers Inc.***, 15 Civ. 5671 (NRB), 2016 WL 5478468 (S.D.N.Y. Sept. 28, 2016)  
[Order denying Defendant's motion to dismiss a case alleging violation of the Michigan Preservation of Personal Privacy Act, Mich. Comp. Laws § 445.1711 et seq., and for unjust enrichment.](#) The Court finds Plaintiff alleges an injury-in-fact and has Article III standing.
  - ***Boelter v. Hearst***, Case No. 15 Civ. 3934 (AT), \_\_\_ F. Supp. 3d \_\_\_, 2016 WL 3369541 (S.D.N.Y., June 17, 2016)  
[Opinion finding that Plaintiff has standing Article III to sue under the Michigan Preservation of Personal Privacy Act](#), M.C.L. §§ 445.1711 et seq.
  - ***Bouton v. Ocean Properties***, 2016 WL 7324143, Case No. 16-cv-80502-BLOOM/Valle (S.D. Fla. Aug. 15, 2016)  
[Order granting Defendant's motion to dismiss](#) a case brought under FACTA, 15 U.S.C. § 1681 et seq. The court finds, however, that Plaintiff adequately alleged a concrete and particularized injury-in-fact and the complaint is to be amended to reflect the proper defendant.
  - ***Brady v. Schneiderman***, Case No. 15-cv-9141 (RA), 2016 WL 3906737 (S.D.N.Y., July 13, 2016)  
[Opinion and Order](#) granting Defendant's motion to dismiss and finding that Plaintiff does not have standing in a claim brought under 42 U.S.C. § 1983. The court explained that a citizen lacks standing to contest the policies of a prosecuting authority when he himself is neither prosecuted nor threatened with prosecution.
  - ***Braitberg v. Charter Communications, Inc.***, Case No. 14-1737, 2016 WL 4698283 (8th Cir. Sept. 8, 2016)  
[Opinion affirming the district court judgment that Plaintiff lacks Article III standing and fails to state a claim in a case alleging a violation of the Cable Communications Policy Act](#), 47 U.S.C. § 551(e).
  - ***Derek Gubala v. Time Warner Cable, Inc.***, Case No. 15-cv-1078, 2016 WL 3390415 (E.D. Wis. June 17, 2016)  
[Decision and Order granting defendant's motion to dismiss and discussing Article III standing in light of Spokeo in a claim brought under the Cable Communications Policy Act \("CCPA"\)](#), 47 U.S.C. § 551(e)
  - ***Diedrich v. Ocwen Loan Servicing, LLC***, Case No. 15-2573, 2016 WL 5852453 (7th Cir. Oct. 6, 2016)  
[Opinion in a case brought under Wisc. Stat. § 224.77\(1\) and § 138.052\(7\) and RESPA](#), 12 U.S.C. §§ 2605(e)(2), affirming. The court rules that Plaintiffs have alleged concrete injuries sufficient to satisfy Article III standing under Spokeo.
  - ***Dolan v. Select Portfolio Servicing***, Case No. 03-cv-3285 PKC AKT, 2016 WL 4099109

(E.D.N.Y. Aug. 2, 2016)

[Order](#) granting in part Defendant's motion to dismiss, finding that Congress "did not intend to confer standing for mere procedural violations of [RESPA 12 U.S.C.] Section 2605, without some allegation of actual harm."

- ***Eduardo de la Torre v. Cashcall, Inc.***, Case No. 08-cv-03174-MEJ (N.D. Cal. Nov. 23, 2016)  
[Order denying Defendant's motion for a new trial and/or relief](#) from the Court's Findings of Fact and Conclusions of Law following a bench trial. The case is brought under the Electronic Funds Transfer Act ("EFTA"), 15 U.S.C. § 1693k(1) and California's Unfair Competition Law ("UCL"), Business and Professions Code § 17200. The court finds that the class representative adequately established standing as to the EFTA claim and findings, and that no additional trial is needed for this issue. The court also grants in part and denies in part Plaintiffs' cross motion, striking the portion of the Findings of Fact and Conclusions of Law pertaining to the UCL claims, ordering the parties to meet and confer and propose a plan to submit additional evidence regarding standing for the UCL claims, and ordering parties to attend another settlement conference. The court has not yet issued a judgment related to the Findings of Fact and Conclusions of Law.
- ***Emilio v. Sprint Spectrum L.P.***, Case No. 1:11-cv-03041, 2016 WL 3748482 (S.D.N.Y. July 7, 2016)  
[Order denying Defendant's letter](#) motion to dismiss a claim for lack of standing brought under the Kansas Consumer Protection Act, Kan. Stat. 50-623, et seq.
- ***Ferrari v. Natural Partners, Inc.***, Case No. 15-cv-04787-LHK, 2016 WL 4440242 (N.D. Cal. Aug. 23, 2016)  
[Order granting in part and denying in part Defendants' motions to dismiss a claim alleging strict liability, negligence, breach of express warranty, and breach of implied warranty.](#) The Court finds that Plaintiffs' adequately pled standing.
- ***Fraser v. Wal-mart Stores, Inc.***, Case No. 2:13-cv-00520-TLN-DB, 2016 WL 6094512 (E.D. Cal. Oct. 18, 2016)  
[Order denying Defendant's motion to dismiss](#) for lack of subject matter jurisdiction in a case asserting claims under the Song-Beverly Credit Card Act of 1971, § 1747.08(a)(2). Plaintiffs properly removed the case to federal court under the Class Action Fairness Act. The court finds that the holding in Spokeo does not apply and that it continues to have subject matter jurisdiction.
- ***Friends of Animals v. Sally Jewell***, Case No. 15-5223, 2016 WL 3854010 (D.C. Cir., July 15, 2016)  
[Opinion](#) in a case concerning alleged violations of the Endangered Species Act, 16 U.S.C. §1533, finding that Plaintiff lacked informational standing and dismissing the complaint. The court notes that its holding is narrow, and suggests that informational standing may be possible under section 4 of the ESA though it was lacking in this "deadline suit".
- ***Godhigh v. Savers, LLC***, Case No. 16-cv-02874-WHO, 2016 WL 4585778 (N.D. Cal. Sept. 2, 2016)  
[Order granting in part and denying in part a motion to partially dismiss a complaint alleging claims under the Fair Labor Standards Act.](#) The Court finds that "Plaintiffs have not simply alleged a statutory violation, but have alleged that the violations caused them confusion and caused them to be misinformed." The Court finds that this is a concrete injury sufficient under Article III and denies Defendant's motion on this issue.
- ***Guarisma v. Microsoft Corp.***, Case No. 1:15-cv-24326, 2016 WL 4017196 (S.D. Fla. July 26, 2016)  
[Order](#) in a case brought under FACTA, 15 U.S.C. §1681, in which the court agrees that "Defendant's violation of FACTA constitutes a concrete injury in and of itself because Congress created a substantive right for individuals to receive printed receipts that truncate their personal credit card information, in order to decrease the ever-present threat of identity

theft”.

- **Hall v. Forbes Media LLC**, Case No. 15-cv-13844, 2016 WL 4761790 (E.D. Mich. Sept. 13, 2016)  
[Order granting in part Defendant’s motion to stay action and providing for limited discovery during pendency of stay in a case alleging violations of Michigan’s Preservation of Personal Privacy Act.](#) Defendant’s motion to stay is granted pending a determination by the Sixth Circuit on defendant’s motion to dismiss the Coulter-Owens appeal (Case No. 16-1321).
- **Hancock v. Urban Outfitters Inc.**, Case No. 14-7047, 2016 WL 3996710 (D.C. Cir. July 26, 2016)  
[Opinion](#) vacating the district court’s decision and remanding for dismissal because the court found that neither Plaintiff had alleged a concrete Article III injury tied to disclosure of a zip code. Accordingly, the court found that the district court lacked jurisdiction to decide the merits of the case in the first place. The claim was brought under the District of Columbia’s Use of Consumer Identification Information Act, D.C. Code § 47-3151 et seq.
- **Hapka v. Carecentrix, Inc.**, 2016 WL 7336407, Case No. 16-2372-CM (D. Kan. Dec. 19, 2016)  
[Memorandum and order denying Defendant’s motion to dismiss](#) for lack of standing in a case brought under a claim of negligence. The court finds that Plaintiff has standing to bring her claim for negligence, and “follows the cases finding that plaintiffs had standing when they suffered from an incident of identity theft after a data breach.”
- **Hardaway v. District of Columbia Housing Authority**, 2016 WL 7321391, No. 14-7144 (D.C. Cir. Dec. 16, 2016)  
[Opinion in a case alleging violations of the Americans with Disabilities Act \(ADA\), Rehabilitation Act, and Fair Housing Act.](#) The district court dismissed the case on standing and mootness grounds, but the D.C. Circuit Court found that the Plaintiffs did demonstrate an injury-in-fact and, thus, had standing.
- **Hecht v. The Hertz Corp.**, Civ. No. 2:16-cv-01485, 2016 WL 6139911 (WJM) (D. N.J. Oct. 20, 2016)  
[Opinion granting Defendant’s motion to dismiss without prejudice](#) in a case alleging violation of New Jersey’s Truth-in-Consumer Contract, Warranty and Notice Act, N.J.S.A. § 56:12-14 et seq. The court finds that Plaintiff’s complaint alleges the “quitesessential” bare procedural harm that is insufficient to establish Article III standing.
- **Hecht v. The Hertz Corporation**, Civ. No. 2:16-cv-01485 (WJM) (D. N.J. Oct. 20, 2016)  
[The court grants Defendant’s motion to dismiss](#) without prejudice a claim brought under New Jersey’s Truth-in-Consumer Contract, Warranty and Notice Act, N.J.S.A. § 56:12-14 et seq. The court finds that Plaintiff presents a bare procedural harm.
- **Hochendoner v. Genzyme Corp.**, 2016 U.S. App. LEXIS 9438 (1st Cir.)  
[Opinion affirming dismissal for lack of jurisdiction with one exception on grounds of standing rather than lack of jurisdiction in a claim brought under the Food, Drug, and Cosmetics Act 21 U.S.C. § 355\(j\), 356a\(a\), the Bayh-Dole Act 35 U.S.C. §200, Michigan Compiled Laws § 445.903 et seq., Delaware Uniform Consumer Fraud Act, 6 Del. C. § 2511-2526, North Carolina Unfair and Deceptive Trade Practices Act, N.C.G.S. § 75-1.1 et seq., Florida Deceptive and Unfair Trade Practices Act, F.S. § 501.201 et seq., Washington Uniform Deceptive Trade Practices Act, R.C.W. § 19.86.010 et seq., Washington Product Liability Act, R.C.W. § 7.72 et seq., Michigan State Product Liability Act Violation, M.C.L. 600.2946 et seq., California Business and Professional Code Violation, Cal. B.P.C. Code § 17200 et seq., New Jersey Product Liability Act, N.J.S.A §58C-1 et seq., negligence, negligence per se, loss of consortium, and breach of third party beneficiary contract under New York law.](#)
- **In re Bear Sterns Companies, Inc. Securities, Derivative, and Erisa Litigation**, No. 09 Civ. 8161 (RWS), 2016 WL 4098385 (S.D.N.Y. July 25, 2016)  
[Opinion granting in part Defendant’s motion for summary judgment in a case brought under](#)



[Section 10\(b\), 18, and 20 of the Securities Exchange Act and SEC Rule 10b-5](#). The court found that Plaintiff did not have standing due to the fact that third-party standing was inappropriate in this instance and contrary to case law. Without third-party standing, the Plaintiff could not establish that he suffered an injury-in-fact.

- ***In re: Nickelodeon Consumer Privacy***, No. 15-1441, \_\_\_ F.3d \_\_\_, 2016 WL 3513782 (3rd Cir., June 27, 2016)  
[Court of Appeals decision](#) affirming the District Court's dismissal of most of the plaintiffs' claims, vacating its dismissal of the claim for intrusion upon seclusion against Viacom, and remanding the case for further proceedings in a claim brought under the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510 et seq., and Video Privacy Protection Act, 18 U.S.C. §§ 2710, et seq
- ***Jamison v. Bank of America***, N.A., Case No. 2:16-cv-00422-KJM-AC, 2016 WL 3653456 (E.D. Cal. July 7, 2016)  
[Order](#) granting Defendant's motion to dismiss Plaintiff's TILA claim for lack of standing with leave to amend.
- ***Jonathan Kanfer v. PharmaCare US Inc.***, Case No. 3:15-cv-00120, 2016 WL 3554919 (S.D. Cal.)  
[Order denying motion for class certification for lack of standing in light of Spokeo in a claim brought under Cal. Bus. & Prof. Code §§ 17200 et seq. alleging violations of FDCA 21 U.S.C. §§ 343\(a\) and 352, 21 C.F.R. §§ 310.528\(a\), 310.528\(b\), 101.93, and Cal. Health & Safety Code §§ 109875-111900](#)
- ***Kelen v. Nordstrom, Inc.***, 2016 WL 7373807, No. 16 Civ. 1617 (PAE) (S.D.N.Y. Dec. 16, 2016)  
[Opinion and order granting Defendant's motion to dismiss](#) for lack of subject matter jurisdiction in a case brought under TILA, 15 U.S.C. §§ 1601 et seq. The court finds that Plaintiffs alleged a mere statutory violation and not a concrete and particularized injury as required to establish Article III standing.
- ***Krekelberg v. Anoka Cnty.***, Civil No. 13-3562 (DWF/TNL), 2016WL 4443156 (D. Minn. Aug. 19, 2016)  
[Memorandum and order granting in part and denying in part Defendants' motion to dismiss a claim alleging violations of the Driver's Privacy Protection Act](#), 18 U.S.C. § 2721, et seq., and finding that Plaintiff has alleged a concrete injury sufficient to establish Article III standing under Spokeo. The Court agrees with the analysis in *Potocnik v. Carlson*, Civ. No. 13-2093, 2016 WL 3919950 (D. Minn. July 15, 2016).
- ***Lee v. Verizon***, Case No. 14-10553, 837 F.3d 523 (5th Cir. Sept. 15, 2016)  
[Opinion in a case on remand from the United States Supreme Court alleging fiduciary misconduct pursuant to ERISA § 409\(a\), 29 U.S.C. § 1109\(a\)](#). The Court found that the Supreme Court's ruling in Spokeo did not affect their original reasoning in finding that Plaintiff's lacked Article III standing.
- ***Left Field Media LLC v. City of Chi., Ill.***, 2016 U.S. App. LEXIS 9348 (7th Cir.)  
[Opinion denying motion for a preliminary injunction](#) and finding that Plaintiff would not have standing under Spokeo if product were treated as a newspaper in a claim brought under §§ 4-244-030, 4-244-140, and 10-8-520 of the Chicago Municipal Code
- ***Liddell v. Board of Education of the City of St. Louis, Missouri***, Case No. 4:72-cv-100 HEA, 2016 WL 3913762 (E.D. Mo., July 20, 2016)  
[Decision](#) in a school desegregation suit denying a motion to intervene on behalf of Charter Public School Parents and Children. The Plaintiff class opposed the motion and the court found that the movants lacked standing to intervene, since the movant cannot set out any specific injury that will certainly occur if they are not allowed to intervene.
- ***Lozano v. Western Concrete Pumping, Inc.***, Case No. 1:15-cv-1192-RP, 2016 WL 4444907 (W.D. Tex. Aug. 23, 2016)

[Order granting Cross-Defendant's motion to dismiss a case brought against it alleging conversion, fraud, breach of fiduciary duty, unjust enrichment, negligence, imposition of a constructive trust, joint and several liability under the Fair Labor Standards Act](#), breach of oral contract, and complete indemnity to the extent Defendant's are liable for any of Plaintiff's claims. The Court finds that Defendants have standing to bring claims that seek indemnification.

- **Martinez v. The City of Rio Rancho**, Case No. 1:14-cv-0841 RB/KBM, 2016 WL 3919491 (D.N.M., July 20, 2016)  
[Order and opinion](#) granting Plaintiff summary judgment in a case claiming that Rio Rancho Municipal Code Section 12-6-12. 18(5) is overbroad in violation of the First Amendment. The court finds that Plaintiff suffered a concrete and particularized injury sufficient to satisfy Article III standing.
- **Martone v. Whole Foods Market, Inc.**, Case No. 1:15-cv-877, 2016 WL 5416543 (W.D. Tex., Sept. 28, 2016)  
[Order](#) granting Defendant's motion to dismiss but finding that Plaintiff had standing in a case brought under § 502 of the Employee Retirement Income Security Act, 29 U.S.C. § 1132.
- **Massey v. American Federation of Government Employees**, Civil No. 1:15-cv-02112 (APM), 2016 WL 3746465 (D.C. July 8, 2016)  
[Order](#) granting in part and denying in part Defendant's motion to dismiss. The court finds that Plaintiff lacks standing to assert a claim against the national union President in a claim brought under the "Bill of Rights for Union Members" of the Labor Management Reporting and Disclosures Act, 29 U.S.C. § 411(a)(1) and (a)(1).
- **Matera v. Google Inc.**, Case No. 15-cv-04062-LHK, 2016 WL 5339806 (N.D. Cal. Sept. 23, 2016)  
[Opinion granting in part and denying in part Google's motion to dismiss based on lack of standing](#). The case alleges violation of California's Invasion of Privacy Act, Cal. Pen. Code §§ 630, et seq., and the Electronic Communications Privacy Act, 18 U.S.C. §§ 2510 et seq. The Court finds that Plaintiff sufficiently alleges concrete injury-in-fact.
- **McCullough v. Smarte Carte, Inc.**, Case No. 1:16-cv-03777, 2016 WL 4077108 (N.D. Ill. August 1, 2016)  
[In a case alleging violations of the Illinois Biometric Information Privacy Act](#), 740 ILCS 14/1 et seq., Defendants moved to dismiss for lack of jurisdiction and failure to state a claim. The court ruled that Plaintiff only alleged the "sort of bare procedural violation that cannot satisfy Article III standing".
- **McDonough v. City of Portland**, Case No. 2:15-cv-00153-JDL, 2016 WL 3645148 (D. Maine June 30, 2016)  
[Opinion finding that Plaintiff lacked standing in a case alleging violation of the Fourteenth Amendment as brought under 42 U.S.C. § 1983](#), and consequently granting Defendant's motion for summary judgment. The court found that while Plaintiff suffered an injury, he could not satisfy the "able and ready" requirement at issue due to the nature of the relief sought (prospective injunction).  
Appeal filed by McDonough v. City of Portland, 1st Cir., July 21, 2016.
- **McLaughlin v. Wells Fargo - TILA Class Certification Order-No. C 15-02904 WHA, 2016 WL 3418337 \*5-6** (N.D. Cal.)
- **McQuinn v. Bank of America**, N.A., Case No. 14-56038, 2016 WL 3947831 (9th Cir., July 22, 2016)  
[Memorandum](#) affirming the district court's dismissal of Plaintiff's lawsuit brought under TILA, 15 U.S.C. § 1641(g), but discussing the impact of *Spokeo* on alleged violations of TILA. The court notes that there is some question as to whether a violation of TILA's notice requirement under 15 U.S.C. § 1641(g), without more, creates an injury that is sufficiently concrete to confer standing. In this case, however, the court finds that Plaintiffs alleged a concrete injury.

The suit was dismissed.

- **Meeks v. Ocwen Loan Servicing LLC**, Case No. 16-cv-81003-BLOOM/Valle, 2016 WL 3999570 (S.D. Fla. July 26, 2016)  
[Order](#) granting Defendant's motion to dismiss a claim brought under the Real Estate Settlement Procedures Act, 12 U.S.C. § 2601, et seq., and its implementing regulation, 12 C.F.R. § 1024, et seq. The court found that Plaintiff had not sustained a concrete injury-in-fact.
- **Meyers v. Nicolet Restaurant of De Pere, LLC**, 2016 WL 7217581, No. 16-2075 (7th Cir. Dec. 13, 2016)  
[Opinion vacating the district court's judgment](#) and remanding a case brought under FACTA, 15 U.S.C. § 1681 et seq. The court finds that "Spokeo compels the conclusion that Meyers' allegations are insufficient to satisfy the injury-in-fact requirement for Article III standing."
- **Mocek v. Allsaints USA Limited**, 2016 WL 7116590, No. 16 C 8484 (N.D. Ill. Dec. 7, 2016)  
[Order and Memorandum denying Defendant's motion to dismiss](#) and instead remanding the case to state court. The case was brought under FACTA, 15 U.S.C. § 1681c(g) and was removed to federal court by Defendant under 28 U.S.C. 1441. Defendant then moved to dismiss the case for lack of federal jurisdiction, citing Spokeo. Because "no party [is] willing to overcome the presumption against federal jurisdiction, remand is appropriate on any analysis."
- **Munoz v. SunTrust Bank**, 2016 U.S. Dist. LEXIS 72683, 2016 WL 3176594 (W.D.N.C. June 3, 2016)  
[Opinion discussing Article III standing and granting Defendant's motion to dismiss in a claim brought under N.C.G.S. §§ 25-3-420, 25-3-405, 25-3-306, 25-1-304, negligence, gross negligence, and unfair trade practices.](#)
- **Nicklaw v. Citimortgage, Inc.**, Case No. 15-14216, 2016 WL 5845682 (11th Cir. Oct. 6, 2016)  
[Opinion in a case brought under N.Y. Real Prop. Law §275 and N.Y. Real Prop. Act. Law § 1921](#), where the 11th Circuit has ruled that Plaintiff lacks standing to maintain this action because "Nicklaw has not alleged that Citimortgage's violation of New York law caused or could cause him any harm". The Court dismisses the appeal for lack of jurisdiction.
- **One Wisconsin Institute, Inc. v. Thomsen**, Case No. 15-cv-324-jdp, 2016 WL 4059222 (W.D. Wis. July 29, 2016)  
[Findings of Fact and Conclusions of Law in a case alleging that state voting provisions were unconstitutional, violated the Voting Rights Act](#), and resulted from intentional discrimination by the Wisconsin legislature. Defendants argued that no plaintiff has standing to challenge the voter ID law and that Plaintiffs here suffered no concrete injury sufficient to satisfy Article III. The court disagreed, finding that plaintiffs have standing to challenge the voter ID law.
- **Parrot v. Lamone**, Civil Action No. GLR-15-1849, 2016 WL 4445319 (D. Md. Aug. 24, 2016)  
[Opinion granting State's motion to dismiss a case challenging the constitutionality of Maryland's 2011 congressional redistricting law under Article I, § 2 of the U.S. Constitution and the Due Process Clause of the Fifth and Fourteenth Amendments.](#) The Court discusses *Spokeo*, and finds that the "Voters must assert more than a concrete and particularized injury - they must also allege 'an invasion of a legally protected interest.'"
- **Pharmacia LLC v. Grupo de Inversiones Suramericana C.A.**, Case No. 2:15-cv-920-RWS-RSP, 2016 WL 5387776 (E.D. Tex., Sept. 27, 2016)  
[Order adopting report and recommendation of the Magistrate Judge in a case alleging breach of contract.](#) The Order finds that Plaintiff has sufficiently established standing in light of *Spokeo*.
- **Potocnik v. Carlson**, Case No. 0:13-cv-02093, 2016 WL 3919950 (D. Minn., July 15, 2016)  
[Order](#) finding that Plaintiff has standing to sue under the Driver's Privacy Protection Act ("DPPA"), 18 U.S.C. § 2721 et seq. and denying Defendant's motion to dismiss on that ground. The court also found that Plaintiff may not recover liquidated damages without establishing that she suffered actual damages, but that she may recover punitive damages without

recovering actual damages.

- ***In re Barclays Bank PLC Securities Litigation*** 09 Civ. 1989, 2016 WL 3235290 (PAC) (S.D.N.Y. June 9, 2016)  
[Court Order discussing Article III standing in light of Spokeo while certifying a class action brought under §11 of the 1933 Act, 15 U.S.C. §77k, §12\(a\)\(2\) of the 1933 Act, and §15 of the 1933 Act](#)
- ***Soehnlen v. Fleet Owners Insurance Fund***, 2016 WL 7383993, No. 16-3124 (6th Cir. Dec. 21, 2016)  
[Opinion affirming the district court decision](#) in a case brought under the Employee Protection and Affordable Care Act (“ERISA”), 29 U.S.C. §§ 1001 et seq., the Patient Protection and Affordable Care Act (“ACA”), 26 U.S.C. § 5000A, and § 302 of the Labor Management Relations Act (“Taft-Hartley Act”), 29 U.S.C. § 186. The court finds that “[t]o the extent that Plaintiffs claim they personally suffer a constitutional injury by remitting money towards a non-compliant plan, they cannot state a claim.”
- ***Storey v. Attends Healthcare Prods.***, 2016 U.S. Dist. LEXIS 72505, 2016 WL 3125210 ( E.D. Mich., June 3, 2016)  
[Opinion and Order granting Defendant’s renewed motion to dismiss and granting plaintiffs’ request to file a second amended complaint with discussion of Article III standing in light of Spokeo in a claim brought under implied warranty of merchantability](#) under A.R.S. § 47-2314(B)(6), M.C.L. §440.2314(2)(f), breach of implied warranty of fitness, Michigan Consumer Protection Act, M.C.L/ § 445.901, et seq., the Arizona Consumer Fraud Act, A.R.S. § 44-1521, et seq., and unjust enrichment.
- ***Strubel v. Comenity Bank***, No. 15-528-cv (2d Cir. Nov. 23, 2016)  
[Opinion dismissing in part, and affirming in part an appeal](#) in a case brought under TILA, 15 U.S.C. § 1637(a)(7). On appeal, Defendant argues that the district court ruled correctly on the merits while also challenging Plaintiff’s standing to main the action. The court finds that Plaintiff fails to demonstrate the concrete injury necessary for standing in two of the challenged disclosures, and so dismisses both TILA claims. With respect to the remaining two disclosure challenges, the court finds that Plaintiff adequately demonstrates standing, but the court finds that those challenges fail as a matter of law.
- ***The Libertarian Party of Kentucky v. Grimes***, Civil No. 3:15-cv-00086-GFVT, 2016 WL 3749095 (E.D. Kentucky July 8, 2016)  
[Order](#) denying Plaintiffs’ motion for summary judgement and granting Defendant’s cross-motion for summary judgement. Plaintiff brought suit under 42 U.S.C. § 1983, claiming that the Kentucky General Assembly’s chosen ballot access scheme did not comport with the First and Fourteenth Amendment. The court disagrees but finds that Plaintiffs suffered an injury-in-fact due to their lack of general ballot access.
- ***Thompson v. Rally House of Kansas City, Inc.***, Case No. 15-00886-CV-W-GAF (W.D. Mo. Oct. 6, 2016)  
[Order granting Defendant’s motion to dismiss for lack of subject matter jurisdiction in a case alleging violation of FACTA, 15 U.S.C. § 1681 et seq.](#) The Court finds that Plaintiff has not alleged a concrete harm in light of Spokeo and Braitberg v. Charter Communications, Inc., -F.3d-, 2016 WL 4698283 (8th Cir. Sept. 8, 2016).
- ***Valenti v. Indiana Secretary of State***, Cause No. 1:15-cv-1304-WTL-TAB, 2016 WL 4088414 (S.D. Ind. July 28, 2016)  
[Order denying Defendant’s motion to dismiss a claim challenging Indiana Code § 35-42-4-14](#), alleging that it violates Plaintiff’s First and Fourteenth Amendment rights. The court found that Plaintiff “met the low threshold for pleading injury required to demonstrate that he has standing” under Article III.
- ***Vigil et al. v. Take-Two Interactive Softwar, Inc.***, Case No. 15-cv-8211 (JGK) (S.D.N.Y.)  
[Order denying as moot Defendant’s motion to dismiss](#) for lack of standing and finding that

Plaintiffs should be afforded the opportunity to replead in light of *Spokeo*.

- ***Villanueva v. Wells Fargo Bank, N.A.***, 2016 WL 5220065, 13CV5429 (CS)(LMS), 14CV648 (CS0(LMS) (S.D.N.Y. Aug 5, 2016)  
[Order granting Plaintiffs' motion to replead](#) their claims to satisfy the standards set forth in *Spokeo* in a case brought under RPAPL § 1921(1) and RPL § 275(1).
- ***Wall v. Michigan Rental***, Case No. 15-13254, 2016 WL 3418539 (E.D. Mich), [rental security deposit suit brought under RICO and Michigan landlord/tenant laws dismissed](#).
- ***Wood v. Choo***, Case No. 15-cv-81487-BLOOM/Valle, 2016 WL 4249953 (S.D. Fla. Aug. 10, 2016)  
[Order denying Defendant's motion to dismiss a case filed under FACTA for lack of subject matter jurisdiction](#). The Court looks to *Guarisma v. Microsoft Corp.*, — F. Supp. 3d —, 2016 WL 4017196, and finds that Plaintiff suffered a concrete harm.
- ***Yershov v. Gannet Satellite Information Network, Inc.***, Civil Action No. 14-12112-FDS, 2016 WL 4607868 (D. Mass. Sept. 2, 2016)  
[Memorandum and order denying Defendant's motion to dismiss a claim brought under the Video Privacy Protection Act](#), 18 U.S.C. § 2710. The Court finds that “the VPPA ‘plainly’ provides plaintiffs like Yershov, who allege wrongful disclosure of their PII, with standing and a right to relief.”
- ***Zink v. First Niagara***, N.A., Case No. 13-CV-01076-RJA-JJM, 2016 WL 3950957 (W.D.N.Y. July 1, 2016)  
[Order granting an amended uncontested motion](#) seeking conditional certification of a settlement class and preliminary approval of a class action settlement after evaluating whether Plaintiff has Article III standing in a claim brought under New York’s Real Property Law, § 275(1), and Real Property Actions and Proceedings Law, § 1921(1). This case was stayed pending the outcome in *Spokeo*.
- [SEE RELEVANT BRIEFS HERE >>>](#)