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## In WLF Victory, High Court Insists that Plaintiffs Must Allege a Concrete Injury to Bring Federal Lawsuit

*(Spokeo, Inc. v. Robins)*

**“As the Court reiterates today ... [a] mere sense of personal outrage creates no right to file a lawsuit seeking damages; would-be plaintiffs must show that the misconduct they allege actually injured them in some tangible way.”**

**—Cory Andrews, Senior Litigation Counsel**

WASHINGTON, DC—Earlier today, the U.S. Supreme Court reversed a decision of the U.S. Court of Appeals for the Ninth Circuit that would have allowed uninjured plaintiffs to sue in federal court for bare, technical violations of federal statutes. In a 6-2 decision in *Spokeo, Inc. v. Robins*, the Court held that although the appeals court correctly concluded that Thomas Robins, the named plaintiff, had suffered a particularized injury, the Ninth Circuit had overlooked the additional requirement that the injury be “concrete.” After elaborating at length on the injury-in-fact requirement for standing to sue in federal court, the Court vacated the Ninth Circuit’s opinion and remanded the case directing the appeals court to determine whether the injury alleged by Robins was sufficiently concrete.

The case arises from a putative class action alleging that Spokeo violated the Fair Credit Reporting Act (FCRA), a federal law regulating information provided in “consumer reports.” Although the plaintiff in this case alleged that Spokeo violated FCRA by providing incorrect information about him, he did not allege facts to show that he suffered any genuine injury (reputational, economic, or otherwise) as a result of that supposed violation.

In its *amicus* brief in the case, WLF argued that while Congress may create private rights of action by citizens, such statutes cannot alter the Constitution’s fundamental command barring federal courts from hearing a case unless the plaintiff can allege a concrete injury-in-fact. WLF contended that authorizing federal courts to enforce federal statutes at the behest of private individuals who have suffered no discrete harm violates the separation of powers by unduly interfering with the Executive Branch’s primacy in enforcing the nation’s laws under the Take Care Clause of the U.S. Constitution.

Upon learning of the decision, WLF issued the following statement by Senior Litigation Counsel Cory Andrews: “As the Court reiterates today, private citizens may be unhappy to discover someone else is violating federal law, but it is up to the government to enforce the law. A mere sense of personal outrage creates no right to file a lawsuit seeking damages; would-be plaintiffs must show that the misconduct they allege actually injured them in some tangible way.”

*WLF is a free-market, public-interest law firm and policy center that devotes substantial resources to advocating for limited government, including limits like the separation of powers.*

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