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July 9, 2015

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WLF Asks Supreme Court to Bar Uninjured-Plaintiff Lawsuits

(Spokeo, Inc. v. Robins)

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—Cory Andrews, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today asked the U.S. Supreme Court to overturn a decision of the U.S. Court of Appeals for the Ninth Circuit that would allow uninjured plaintiffs to sue in federal court for bare, technical violations of federal law. In a brief filed in support of the online “people search engine” Spokeo, WLF argues that Article III of the Constitution bars federal courts from hearing claims brought by plaintiffs who suffered no concrete harm from alleged statutory violations.

The case arises from Spokeo’s alleged violation of the Fair Credit Reporting Act (FCRA), a federal law regulating the inclusion of information in “consumer reports.” Although the plaintiff in this case, Thomas Robins, alleged that Spokeo violated the FCRA by providing incorrect information about him, he failed to allege any genuine injury as a result of that alleged violation.

In its brief in support of Spokeo, WLF argues that while Congress occasionally adopts statutes that create a right of action by private citizens, such statutes cannot alter the Constitution’s fundamental separation of powers, which bars courts from hearing a case unless the plaintiff has suffered a concrete injury-in-fact. As WLF’s brief points out, authorizing federal courts to enforce federal statutes at the behest of private individuals who have suffered no concrete injury would permit Congress to interfere unduly with the Executive Branch’s constitutional duty to enforce the nation’s laws under the Take Care Clause in Article II.

Upon filing its brief, WLF issued this statement by Senior Litigation Counsel Cory Andrews: “Unless the Supreme Court reverses the holding below, it will authorize uninjured individuals to invoke federal court jurisdiction based on so-called injuries consisting of little more than an affront to their sensibilities caused by the haunting fear that someone, somewhere may not be complying with every jot and tittle of federal law. Private citizens may be unhappy to discover that someone else is violating federal law, but it is up to the government to enforce the law. A sense of personal outrage gives 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.