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Supreme Court Will Hear Oral Argument on Monday: Does U.S. Constitution Prohibit Uninjured-Plaintiff Lawsuits?

(Spokeo, Inc. v. Robins)

“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.”

— Cory Andrews, Senior Litigation Counsel

WASHINGTON, DC—The U.S. Supreme Court will hear oral argument on Monday, November 2 at 11:00 a.m., to consider whether 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 statutes. The Supreme Court’s decision in *Spokeo, Inc. v. Robins* could sharply reduce the viability of claims brought by plaintiffs who have suffered no concrete harm from alleged statutory violations. WLF Senior Litigation Counsel Cory Andrews will attend the oral argument and be available Monday afternoon to discuss the case and its likely outcome.

WLF’s *amicus* brief in support of the appellant argues 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 has suffered a concrete injury-in-fact. WLF contends 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 constitutional duty to enforce the nation’s laws under the Take Care Clause.

The case arises from Spokeo’s alleged violation of the Fair Credit Reporting Act (FCRA), a federal law regulating information provided in “consumer reports.” Although the plaintiff in this case, Thomas Robins, alleged that Spokeo violated FCRA by providing incorrect information about him, he did not allege any genuine injury suffered as a result of that supposed violation.

In advance of oral argument, WLF issued the following statement by Senior Litigation Counsel Cory Andrews: “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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