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## In Victory for WLF, Supreme Court Prohibits Class Actions With Uninjured Class Members

*(Trans Union v. Ramirez)*

**“The Supreme Court’s decision returns the power to take care that the laws be faithfully executed to the President rather than to private plaintiffs or the judiciary.”**

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—The U.S. Supreme Court today reaffirmed important separation-of-powers principles. The 5-4 ruling was a victory for Washington Legal Foundation, which filed an *amicus curiae* brief urging the Court to overturn a decision of the U.S. Court of Appeals for the Ninth Circuit that allowed uninjured class members to recover damages in federal class-action lawsuits.

The case arose from TransUnion’s alleged violation of the Fair Credit Reporting Act, a federal law regulating the information that may be included in credit reports. Although the named plaintiff, Sergio Ramirez, suffered an injury-in-fact, over 75% of the absent class members did not. The District Court, however, still certified the class and let the jury extrapolate Ramirez’s damages to the entire class. The Ninth Circuit then blessed that class certification.

WLF’s brief showed that while Congress occasionally adopts statutes that create a right of action for private citizens, such statutes cannot alter the Constitution’s fundamental separation of powers, which bars courts from hearing claims by any plaintiff who has not suffered a concrete injury-in-fact. As WLF’s brief pointed 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 Article II’s Take Care Clause. Today, the Supreme Court agreed that uninjured class members cannot enforce federal law by receiving money damages for a bare violation of federal law.

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