



FOR IMMEDIATE RELEASE

November 12, 2021

Media Contact: Glenn Lammi | glammi@wlf.org | 202-588-0302

## WLF Urges Supreme Court To Hear Fourth Circuit Case Ignoring Article III's Standing Requirements

*(Rocket Mortgage v. Alig)*

**“The Fourth Circuit continues to ignore Supreme Court precedent and allow plaintiffs who suffered no Article III injury to sue in federal court.”**

—John Masslon, WLF Senior Litigation Counsel

WASHINGTON, DC—Washington Legal Foundation (WLF) today filed an *amicus curiae* brief urging the U.S. Supreme Court to hear an important case about Article III's standing requirements. Although the Court's recent decisions have made clear that all plaintiffs must suffer an Article III injury to maintain suit in federal court, the U.S. Court of Appeals for the Fourth Circuit allowed thousands of uninjured plaintiffs to sue in federal court.

The appeal arises from Quicken Loans's pre-2009 practice of providing appraisal companies with the estimated home values of borrowers seeking to refinance their mortgages. Although they successfully refinanced their mortgages, the named plaintiffs alleged that this practice denied them an independent appraisal in violation of West Virginia's Consumer Credit and Protection Act. The District Court certified a class of almost 3,000 people, granted the class summary judgment, and awarded over \$10 million in damages.

Rocket Mortgage, Quicken Loans's successor, appealed the judgment to the Fourth Circuit arguing that there was no evidence that the absent class members suffered an Article III injury. The Fourth Circuit, however, said that there was a possibility that the absent class members suffered an Article III injury. That, it said, was sufficient for standing purposes.

As WLF's brief shows, the Fourth Circuit's decision cannot be squared with the Supreme Court's recent decision in *TransUnion v. Ramirez*. As the Court explained, all plaintiffs must suffer an actual, not hypothetical, Article III injury for district courts to have jurisdiction to certify a class. Absent such an injury-in-fact, district courts lack jurisdiction over the case. Any other rule would allow Congress and the courts to infringe on the Executive Branch's power to take care that the laws be faithfully executed. Because the Fourth Circuit ignored these core separation-of-powers principles, WLF urges the Supreme Court to hear the case and reverse the Fourth Circuit's decision.

*Celebrating its 44th year, WLF is America's premier public-interest law firm and policy center advocating for free-market principles, limited government, individual liberty, and the rule of law.*

###