

David Schultz Analyzes in ARM Compliance Digest: TransUnion Makes Case to Decertify Class in \$40M FCRA Case

In The News | 1 min read

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In the February 15, 2021 edition of the *ARM Compliance Digest*, Hinshaw partner David Schultz reviews the SCOTUS case of *Ramirez v TransUnion*, a Fair Credit Reporting Act case that will answer the question of whether every member of a class must have Article III standing in order to recover damages:

There is little doubt that the Supreme Court's ruling in *Ramirez v TransUnion* is going to be a big deal in consumer and class action law. The question presented is: "Whether either Article III or Rule 23 permits a damages class action where the vast majority of the class suffered no actual injury, let alone an injury anything like what the class representative suffered." The case is thus the next step in Article III law and focuses on standing for the class members.

We recently have seen what the Seventh Circuit did to FDCPA cases when it applied the Article III standards to the named plaintiffs, dismissing 6 cases in the past two months. If the Supreme Court in *Ramirez* agrees with TransUnion's arguments, it could make certifying a class much more difficult, especially in the consumer arena.

The case has garnered a lot of attention. This week a dozen amicus briefs were filed, including on behalf of ACA International, eBay, Facebook, Google, Home Depot, the U.S. Chamber of Commerce and others. Oral argument is set for March 30, and there should be a ruling by the 4th of July. Hopefully the industry will have something extra to celebrate.

[Read the full February 15, 2021 edition of the AccountsRecovery.net Compliance Digest.](#)

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