



Hudson Cook files amicus brief on behalf of CDIA in U.S. Supreme Court

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Rebecca Kuehn and Allen Denson, partners in the Washington, D.C., office of Hudson Cook, LLP, have filed an amicus brief in the Supreme Court of the United States on behalf of the Consumer Data Industry Association (CDIA) in support of a Petition for a Writ of Certiorari in *Spokeo, Inc. v. Robins*. This January 5 action is the second time the *Spokeo* case has been before the Supreme Court, and Hudson Cook has represented the CDIA's interests in both the United States Court of Appeals for the Ninth Circuit and Supreme Court iterations of the case.

In 2016, the Supreme Court in *Spokeo* vacated and remanded a ruling by the Ninth Circuit on the basis that the Ninth Circuit had not properly determined whether the plaintiff had suffered an "injury-in-fact" when analyzing whether he had standing to bring his case in federal court. The high court weighed in on the long-running and influential battle over purported violations of the Fair Credit Reporting Act, when it ruled that plaintiffs cannot rely on mere statutory violations to establish standing, but must instead allege some tangible or intangible concrete injury. That ruling led to the Ninth Circuit on remand finding for a second time that plaintiff Thomas Robins had established standing by alleging an intangible statutory injury without any additional harm.

Last December, the Supreme Court was again asked to weigh in on the dispute and grant certiorari, arguing that the Ninth Circuit had misapplied the standing standard and that the justices' pronouncement the first time around - that some intangible injuries could meet this threshold - had created significant confusion that required immediate resolution.

"The court's review is imperative to bring clarity to the law since the *Spokeo* case has had a wide-ranging impact on consumer litigation," said Denson.

In its amicus brief, Kuehn and Denson argued on behalf of the CDIA that the Ninth Circuit's decision had deepened a significant split amongst lower courts, which differ on whether plaintiffs must suffer a "real world" harm versus a hypothetical risk of harm to proceed with a lawsuit in federal court.

The high court justices are scheduled to consider *Spokeo*'s petition at a January 19 conference, according to the docket. To read the amicus brief filed by Hudson Cook on behalf of the CDIA, click [here](#).

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