



Fair Credit Reporting Act

Litigation under the Fair Credit Reporting Act (FCRA) can be especially costly because it is a highly technical statute covering both credit reporting and employment background checks. FCRA lawsuits are on the rise, largely because it is difficult to successfully dismiss them early-on, and plaintiff's counsel can receive attorney's fees from the defense if they are successful. Punitive damages and costs can also be available to litigants in certain circumstances.

Credit reporting and employment background checks touch almost every industry, and many times an FCRA lawsuit is a first for smaller companies. Our clients have included banks, credit card issuers, retailers, mortgage servicers, and debt buyers, among others.

Our attorneys have successfully defended more than 200 FCRA cases, including class actions, across the country. We pride ourselves on knowing the state of the law in every jurisdiction in which we litigate. Representative examples of our FCRA litigation experience include:

- Obtained dismissal on an early dispositive motion in California FCRA matter on claim that a furnisher reported erroneous bankruptcy information in consumer's credit history.
- Represented a furnisher in a case where the debtor claimed that the client reported the debtor's "charge off" status to credit-reporting agencies in violation of the FCRA. In granting dismissal on an early dispositive motion, the court held that plaintiff failed to allege a proper basis on which to impose FCRA liability.
- Defended mortgage lender in lawsuit alleging lender was a credit reporting agency under the FCRA, based on its business model.
- Prevailed on a summary judgment motion in defense of debt buyer where court found that debt buyer reasonably relied on the electronic records provided to it by the creditor and conducted a reasonable investigation of debtor's dispute based upon the information provided by debtor, and therefore, did not violate the FCRA.
- Obtained early dismissal for a bank on a FCRA claim that lender failed to mark tradeline as "disputed."
- Won motion for summary judgment on identity theft claim for retailer after court determined that a reasonable investigation had been conducted.
- Won motion for summary judgment for collection agency based on plaintiff's inability to prove the agency obtained a copy of his credit report for an unauthorized purpose.

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May 26, 2022

Hinshaw Opens DC office, Adds Consumer Financial Services Partner

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October 19, 2021

Hinshaw Expands in Northeast Adding New Jersey Office and Eight Lawyers

August 26, 2021

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June 10, 2021

Hinshaw Partner Barbara Fernandez Recognized as a 2021 Influential Business Woman by South Florida Business Journal

April 9, 2021

ACA International: David Schultz and Justin Penn Byline Reviews Oral Arguments in SCOTUS TransUnion v. Ramirez FCRA Class Certifications Case

March 31, 2021

Carlos Ortiz Analyzes in ARM Compliance Digest: CFPB Rescinds Policy on Identifying Abusive Acts or Practices

March 22, 2021

Vanessa L. Williams

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Events

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April 21, 2022



[David Schultz to Discuss Mapping Out Legal Strategies for ARM Companies](#)
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[Lauren Campisi to Discuss U.S. Supreme Court's Recent Decision in TransUnion v. Ramirez](#)
June 30, 2021

[David Schultz to Discuss FCRA Litigation Trends in AccountsRecovery.net Webinar](#)
June 21, 2021

[Dustin Alonzo to Present on Advisory Opinions Under the new CFPB Debt Collection Rule](#)
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Webinar

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[David Schultz to Speak in CFPB ACA Huddle Webinar](#)
November 9, 2020

Publications

[4 Key Takeaways for Privacy Professionals Taken From the IAPP 2024 Global Summit](#)
April 5, 2024
Privacy, Cyber & AI Decoded

[U.S. Supreme Court Holds Consumers Can Sue the Government for Violating the FCRA](#)
February 26, 2024
Hinshaw Alert

[Reasons for Optimism as Eleventh Circuit Revisits Hunstein and Doubles Down](#)
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