

## Court Finds Plaintiff's Injury Sufficient to Bring Fair Debt Collection Practice Act Claim

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Recently, a Pennsylvania federal district court held that a debt collection envelope containing a consumer's account number viewable in the transparent address window was a particularized and concrete injury in fact for purposes of standing under Article III's case-or-controversy requirement.

After the plaintiff failed to pay outstanding medical debt, his account was transferred to the defendant NRA Group, LLC for collection purposes. NRA Group, through its agent, mailed the plaintiff a collection letter that included a barcode (which would reveal his account number if scanned) and account number visible through the transparent window on the envelope. The plaintiff filed a lawsuit alleging numerous claims including a violation of the Fair Debt Collection Practices Act (FDCPA), which prohibits "[u]sing any language or symbol, other than the debt collector's address, on any envelope when communicating with a consumer by use of the mails or by telegram[.]" 15 U.S.C. § 1629f(8). NRA Group filed a motion *in limine* to dismiss the plaintiff's claim under the FDCPA, arguing the plaintiff alleged only a procedural violation that did not constitute a concrete and particularized injury.

The court discussed the Supreme Court's illustration of standing principles in *Spokeo Inc. v. Robins* and relied on a recent post-*Spokeo* standing decision by the U.S. Court of Appeals for the Third Circuit. The court found that that plaintiff's alleged injury satisfied both the "concreteness" and "particularized" injury requirements: the injury was particularized because the plaintiff alleged that it was *his* personally identifiable information that was disclosed, and the injury was concrete because it involved the unlawful disclosure of information that is legally protected under statute. This, the court said, is consistent with the Supreme Court's guidance in *Spokeo* that courts should look to both history and the judgment of Congress to determine whether an injury is sufficiently concrete.

**TIP: This decision is a reminder that courts may find even intangible injuries sufficiently concrete to confer standing under Article III post-*Spokeo*.**

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