

# In Case of First Impression Nationwide, Eleventh Circuit Court of Appeals Holds Consumer Credit Report Need Not be Published to a Third Party in Order to Entitle Consumer to Actual Damages under Fair Credit Reporting Act

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The Eleventh Circuit Court of Appeals yesterday issued a published decision, *Curtis J. Collins v. Experian Information Solutions, Inc.*, No. 14-11111 (Jan. 5, 2015), finding that under § 1681i(a) of the Fair Credit Reporting Act (“FCRA”), a consumer may recover actual damages, which in this case were damages for only emotional distress, even if the Credit Reporting Agency did not publish the consumer’s false credit information to a third party. In doing so, the Court reversed the decision of the U.S. District Court for the Northern District of Alabama granting summary judgment to Experian on Mr. Collins’s negligence claim. The Court rejected Experian’s reliance on distinguishable cases by other appellate courts, finding instead that, “We are the first Circuit to address the issue as presented.” The Court then engaged in a close reading of the statute to “hold that the plain language of the FCRA” does not contain a publication requirement.

This is a significant win for consumers because it provides a recourse for those who, like Mr. Collins, work in vain to have a Credit Reporting Agency remove false and damaging information, but have not actually had that information issued to a credit furnisher or other third party. The Court had heard oral argument in the case in October 2014. Mr. Collins was represented by Bailey Glasser

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HOLDS CONSUMER CREDIT REPORT NEED NOT BE PUBLISHED TO A THIRD PARTY IN  
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ACT

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## **Practice Areas**

Class Actions