

RECEIPT WITH CREDIT CARD DATA CONSTITUTES SUFFICIENT INJURY FOR CLASS ACTION TO PROCEED

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A recent federal court ruling allows a class action lawsuit to proceed against luxury fashion retailer Jimmy Choo for violating the [Fair and Accurate Credit Transactions Act of 2003 \(FACTA\)](#). This ruling, which will likely be appealed, has important implications for other consumer class action lawsuits against retailers.

Jimmy Choo was accused of violating FACTA by printing credit card expiration dates on customer receipts in *Wood v. J Choo USA, Inc.*, S.D. Fla. Case No. 15-cv-81487. Jimmy Choo argued that the plaintiff had no standing to sue because she was not damaged when the retailer printed her credit card expiration date on her receipt. The court disagreed, holding that the consumer was sufficiently damaged to maintain the action as soon as the receipt was printed.

Companies facing lawsuits alleging FACTA violations should be aware that although the U.S. Supreme Court held in *Spokeo Inc. v. Robins*, 136 S. Ct. 1540 (2016), that a plaintiff must show that an injury was both “concrete and particularized” and cannot rely on a procedural violation to allege injury in fact, there are instances where an injury may exist solely by virtue of a breach of a statutory prohibition.

Judge Beth Bloom of the U.S. District Court for the Southern District of Florida said that in certain circumstances—such as in this case involving Jimmy Choo—“the violation of a procedural right granted by statute” is sufficient to constitute injury for purposes of standing.

FACTA prohibits businesses from printing more than the last five digits of any customer's card number or card expiration date on any receipt provided to the cardholder. Statutory damages range from \$100 to \$1,000 per violation. The statute excludes receipts that are handwritten or imprinted, where the only method of recording the credit card number is by such means.

For more information about complying with FACTA, please contact authors [Marcy Bergman](#) or [Merrit Jones](#), or any member of our Retail Team.

MEET THE TEAM



Merrit M. Jones

San Francisco

merrit.jones@bclplaw.com

[+1 415 675 3435](tel:+14156753435)

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