

No. A172921

**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIRST APPELLATE DISTRICT, DIVISION THREE**

TERRY ASKINS,
on behalf of himself, and all others similarly situated,
Plaintiff-Appellant,

v.

CRST EXPEDITED, INC.
Defendant-Respondent.

Superior Court for the County of San Mateo,
Case No. 19CIV00644
Hon. Jeffrey Finigan

**BRIEF OF AMICI CURIAE
CALIFORNIA ADVOCATES FOR NURSING HOME REFORM,
CENTRO LEGAL DE LA RAZA, COMMUNITY LEGAL
SERVICES IN EAST PALO ALTO, CONTRA COSTA SENIOR
LEGAL SERVICES, EAST BAY COMMUNITY LAW CENTER,
HOUSING AND ECONOMIC RIGHTS ADVOCATES, THE
KATHARINE & GEORGE ALEXANDER COMMUNITY LAW
CENTER, LEGAL ASSISTANCE FOR SENIORS,
PUBLIC COUNSEL, AND PUBLIC JUSTICE
IN SUPPORT OF PLAINTIFF-APPELLANT**

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INTEREST OF *AMICI CURIAE*

Amici curiae are ten nonprofit organizations that represent and advocate for economic justice on behalf of consumers, workers, and vulnerable populations in California. In their advocacy, *amici* regularly enforce statutory rights intended for vindication in California courts, including those rights conferred by the Fair Credit Reporting Act (FCRA) (15 U.S.C. § 1681 *et seq.*). *Amici* appear in this proceeding to provide a broader and deeper historical analysis of the standing inquiry in California state court, as distinct from federal court, than is contained in the parties' briefs.

Amici and counsel have participated in a string of recent cases in California in which defendants attempted, unsuccessfully, to import federal standing requirements, overtly or *sub silentio*, into California state courts. (See *Chai v. Velocity Investments, LLC* (2025) 108 Cal.App.5th 1030 [holding that no California constitutional or statutory provision, including the Fair Debt Buying Practices Act (FDBPA) (Civ. Code, § 1788.50 *et seq.*), requires an injury in fact for standing]; *Kashanian v. National Enterprise Systems, Inc.* (2025) 114 Cal.App.5th 1037 [holding the same under the Rosenthal Fair Debt Collection Practices Act (Civ. Code, § 1788 *et seq.*)]; *Yeh v. Barrington Pacific, LLC* (2026) 117 Cal.App.5th 1303 [holding the same under the Investigative Consumer Reporting Agencies

Act (ICRAA) (Civ. Code, § 1786 *et seq.*)]; *Parsonage v. Wal-Mart Associates, Inc.* (2026) 341 Cal.Rptr.3d 447 [same].)

Amici write to emphasize the importance of state courts retaining broad general jurisdiction over cognizable legal claims, in light of both the dual structure of the American judicial system and the notably stringent current requirements of Article III standing in federal court. As a result of judicial decisions over the past several decades, those federal requirements require plaintiffs to establish a concrete and particularized injury in fact, a standard that has made it increasingly difficult for consumers, workers, and other individuals without deep pockets to enforce their statutory rights in federal court. To make state courts equally unavailable would both breach the constitutional compact on which this nation rests and do a grave injustice to potential litigants across California.

INTRODUCTION AND SUMMARY OF ARGUMENT

It is a cornerstone of the American judicial system that state courts, unlike their federal counterparts, have general jurisdiction to hear all kinds of disputes without the limitations of Article III or the requirement of an affirmative grant of subject-matter authority. Without that broad authority, people whose rights have been violated under state or federal statute might find no forum in which to vindicate their claims. That sort of judicial vacuum is something the Founders—of both the Union and this State—consciously sought to avoid.

The imposition of a blanket heightened injury-in-fact standard in California courts, similar to that required in federal courts, would directly undermine the dual architecture of this nation’s judicial system. As courts of general jurisdiction, California’s superior courts may properly exercise authority over any dispute unless a statute specifically prohibits it.¹ That standard differs from the federal courts, which must adhere to the standing requirement imposed by Article III of the United States Constitution. Federal district courts may hear only “cases” or “controversies” (U.S. Const., art. III, § 2), a limitation that the U.S. Supreme Court has interpreted to require a concrete and particularized injury in fact. (See, e.g., *Lujan v. Defenders of Wildlife* (1992) 504 U.S. 555, 560.) This limitation holds for all claims brought in federal court; it is forum-specific, not statute-specific.

Because the United States Supreme Court has recently tightened the federal injury-in-fact requirement, if California courts similarly require stringent proof of concrete harm then certain statutory violations will be left without a means of redress. For example, right now, consumers can notify a credit reporting agency of a demonstrably false entry on their credit reports, watch the agency decline to correct or even investigate it, know that the damage to their reputation is imminent—and still be barred from bringing a

¹ 13 Wright & Miller, Federal Practice & Procedure (3d ed. 2023) Courts of Limited Jurisdiction, § 3522 [hereafter “Wright & Miller”].

claim in federal court unless the error has resulted in an actual denial of credit, employment, or housing. (See *TransUnion LLC v. Ramirez* (2021) 594 U.S. 413.) There is no reason for California courts to tether themselves to such a cramped conception of what constitutes a justiciable injury. Indeed, doing so would leave a gap in enforcement precisely when preventive action is most needed—before the error metastasizes into denied opportunities.

California’s constitutional design deliberately avoids this gap. The California Constitution vests all “judicial power of this State . . . in the Supreme Court, courts of appeal, and superior courts, all of which are courts of record” and imposes no similar case or controversy restriction on the jurisdiction of California courts. (*Weatherford v. City of San Rafael* (2017) 2 Cal.5th 1241, 1247-1248; see Cal. Const., art. VI, §§ 1, 10 [extending the state judicial power to all “causes”].) Neither the state Constitution nor the U.S. Constitution limits state court plaintiffs to those who have suffered an injury in fact. No statutory or other background minimum standing requirement constrains California litigants either. All that California requires is that plaintiffs plead a valid cause of action and evince a sufficient interest in the outcome. (*Kim v. Reins Internat. Cal., Inc.* (2020) 9 Cal.5th 73, 83; *Parker v. Bowron* (1953) 40 Cal.2d 344, 351.)

Limon v. Circle K Stores Inc. (2022) 84 Cal.App.5th 671 thus represents a deviation from a bedrock principle of California jurisdictional

law. *Limon*, along with its companion *Muha v. Experian Information Solutions* (2024) 106 Cal.App.5th 199 and the outlying string of decisions they rely on, grafted the “beneficial interest” test that applies narrowly to suits seeking a writ of mandate (Code Civ. Proc., §§ 1085-1086) broadly onto all statutes. But the text of the Code of Civil Procedure is clear: the beneficial interest test is limited to certain writ proceedings. The test itself is a rare instance in which the Legislature has imposed a heightened requirement to access California courts.

Defendant CRST concedes, as it must, that standing in California courts is determined by the individual statute at issue rather than a general constitutional or legislative requirement for injury in fact. (RB at 14.) But CRST then attempts to shoehorn precisely such a heightened standard into California law, arguing that the default measure of standing in the State is indeed injury in fact “unless the California legislature has explicitly granted standing to sue in California courts absent harm.” (*Ibid.*)

CRST has it backwards. “[N]either the California Constitution nor the Legislature has ever established a heightened default requirement for standing for those who seek access to California’s courts of general jurisdiction.” (*Parsonage v. Wal-Mart Associates, Inc.* (2026) 341 Cal.Rptr.3d 447, 463.) The structure, history, and text of the California Constitution and the California Code establish that the baseline standard in California is the lenient standing of a court of general jurisdiction, not

something akin to a case or controversy in a court of limited jurisdiction. Only in unusual instances will the legislative branch heighten that standard. (See *ibid.*; *Chai v. Velocity Investments* (2025) 108 Cal.App.5th 1030, 1043; *Guracar v. Student Loan Solutions, LLC* (2025) 111 Cal.App.5th 330, 342-343.) In other words, the Legislature possesses the plenary “power to grant litigants access to the state’s own courts to vindicate rights the Legislature conferred.” (*Chai*, at p. 1043.)

Similarly, Congress has the power to grant litigants a private right of action for statutory violations (see *Alexander v. Sandoval* (2001) 532 U.S. 275, 286), and its barring of state court jurisdiction to adjudicate federal statutes is “the exception rather than the rule.” (*Charles Dowd Box Co. v. Courtney* (1962) 368 U.S. 502, 507-508.) Congress may give federal courts exclusive jurisdiction over a particular federal claim, but only if it acts “affirmatively [to] oust[] the state courts of jurisdiction.” (*Tafflin v. Levitt* (1990) 493 U.S. 455, 459.) It has not done so here.

Applying the relevant principles of standing law to the present case is straightforward. Plaintiff Terry Askins meets the minimal constitutional and general statutory standards for bringing a claim in this State’s courts: he has pleaded a valid cause of action under the FCRA and has sufficient interest in the outcome of this case. Since Congress has not limited the jurisdiction of state courts under the FCRA, and Mr. Askins did not receive

the disclosures required by Congress in the Act (AOB at 9), under California law, he has standing to pursue his claim.

The judgment of the superior court should be reversed.

ARGUMENT

Establishing standing to pursue claims in California superior court is not an onerous task. All that California requires is that plaintiffs plead a valid cause of action (*Parker, supra*, 40 Cal.2d at p. 351 [“The right to relief . . . goes to the existence of a cause of action”]) and evince a “sufficient interest” in “actual controversies.” (*Kim, supra*, 9 Cal.5th at p. 83.) Those minimal factors are all that a party must demonstrate to seek relief. (See *Weatherford, supra*, 2 Cal.5th at p. 1248.) The “actual controversies” required here bear little resemblance to the “controversy” required by Article III. (See *Grosset v. Wenaas* (2008) 42 Cal.4th 1100, 1117, fn. 13 [with respect to the U.S. Constitution’s case or controversy constraint, “[t]here is no similar requirement in our state Constitution”].)

Because there is no baseline injury-in-fact requirement, standing to pursue claims in California is provided by each statute and is “a matter of statutory interpretation . . . which varies according to the intent of the Legislature.” (*Guracar, supra*, 111 Cal.App.5th at pp. 342-343 [quoting *Adolph v. Uber Technologies* (2023) 14 Cal.5th 1104, 1120, and *Angelucci v. Century Supper Club* (2007) 41 Cal.4th 160, 175]; see *Chai, supra*, 108 Cal.App.5th at p. 1037.) Congress provided private litigants causes of

action to vindicate statutory violations of the FCRA without any express or implied limitation of state court jurisdiction. Mr. Askins therefore has standing to pursue his claim in superior court.

I. THERE IS NO IRREDUCIBLE MINIMUM STANDING REQUIREMENT IN CALIFORNIA STATE COURT.

The requirement of an injury in fact imposed by Article III of the United States Constitution “does not apply in state courts.” (*Grosset, supra*, 42 Cal.4th at p. 1117 & fn. 13.) U.S. Supreme Court precedent confirms this uncontroversial position. (See *ASARCO Inc. v. Kadish* (1989) 490 U.S. 605, 617 [“[T]he constraints of Article III do not apply to state courts”].) Rather, the high court’s standing jurisprudence “has ensured that state courts will exercise exclusive jurisdiction” over federal claims that may not be adjudicated in federal court. (*Ramirez, supra*, 594 U.S. at p. 459, fn. 9 (dis. opn. of Thomas, J.) [“The Court does not prohibit Congress from creating statutory rights for consumers; it simply holds that federal courts lack jurisdiction to hear some of these cases.”].)

The well-established low bar for standing in California court helps satisfy a foundational purpose of the nation’s dual judicial system: to ensure that there exists a forum to hear and adjudicate all manner of disputes and to provide remedies for legal harms.² When federal courts,

² See Hershkoff, *State Courts and the “Passive Virtues”*: Rethinking the Judicial Function (2001) 114 Harv. L.Rev. 1833, 1940 [“[S]tate courts, because of their differing institutional and normative position, should not

bound by the strictures of Article III, cannot entertain claims that lack an injury in fact but that seek to address otherwise cognizable harms, state courts are the only available forum for those harms to be redressed. CRST's back-door attempt to establish a baseline injury-in-fact standard in California by shifting the lenient, default "sufficient interest" standard to a heightened, "concrete injury" standard directly contradicts the nature of California tribunals as courts of general jurisdiction whose doors are open to all who have suffered statutory violations.

A. As Courts Of General Jurisdiction, California State Courts May Hear Federal Statutory Claims.

"State courts . . . 'are not bound by the limitations of a case or controversy or other federal rules of justiciability *even when they address issues of federal law.*'" (*Ramirez, supra*, 594 U.S. at p. 459, fn. 9 (dis. opn. of Thomas, J.), quoting *ASARCO, supra*, 490 U.S. at p. 617, emphasis added.) Within this nation's dual judicial system, state courts, which exercise general jurisdiction, play a fundamentally different role than federal courts, which possess only limited jurisdiction.³

conform their rules of access to those that have developed under Article III. Instead, state systems should take an independent and pragmatic approach to judicial authority in order to facilitate and support their integral and vibrant role in state governance."].

³ See Williams, *The Law of American State Constitutions* (2009) pp. 298-299 ["State courts occupy different institutional positions and perform different judicial functions from their federal counterparts."]; Hershkoff,

It is a “fundamental precept” that “federal courts are courts of limited jurisdiction.” (*Owen Equipment & Erection Co. v. Kroger* (1978) 437 U.S. 365, 374; *Turner v. Bank of North Am.* (1799) 4 U.S. 8, 10 [4 Dall. 8]).⁴ The outer bounds of federal courts’ authority are specified by the U.S. Constitution and Congress. (*Kokkonen v. Guardian Life Ins. Co. of America* (1994) 511 U.S. 375, 377.) Consequently, plaintiffs in federal court must be able to point to a concrete and particularized injury in fact. (*Ramirez, supra*, 594 U.S. at p. 417.) A showing of a violation of the law, without an injury in fact, is not sufficient. (*Id.* at p. 427 [“an injury in law is not an injury in fact”].) Federal courts may, in addition, hear only the specified types of cases affirmatively set forth in the U.S. Constitution and federal statute. (See *Ins. Corp. of Ireland v. Compagnie des Bauxites de Guinee* (1982) 456 U.S. 694, 701-702.

On the other hand, state courts of general jurisdiction are able to adjudicate virtually all disputes that come before them.⁵ Their power is

supra note 2, at p. 1886 [“commentators have recognized that significant institutional differences distinguish many state courts from federal courts”].

⁴ Accord Wright & Miller, *supra*, § 3522 [“It is a principle of first importance that the federal courts are tribunals of limited subject matter jurisdiction. [They] cannot be courts of general jurisdiction.”].

⁵ See, e.g., Wright & Miller, *supra*, § 3522; Gardner, *The Failed Discourse of State Constitutionalism* (1992) 90 Mich. L. Rev. 761, 808-809 [“Unlike the federal courts, which are courts of limited jurisdiction, state courts may be courts of general jurisdiction”]; California Courts, *Jurisdiction and Venue: Where to File a Case*, <https://perma.cc/GHW8-AZ8X> [defining “General Jurisdiction, which means that a court has the ability to hear and

“expansive.”⁶ The relative leniency of standing requirements in California courts, compared to federal courts, reflects these different grants of jurisdiction. (*Jasmine Networks, Inc. v. Super. Ct.* (2009) 180 Cal.App.4th 980, 990.)⁷ Whereas federal standing principles emanate from “a single basic idea—the idea of separation of powers” (*Ramirez, supra*, 594 U.S. at pp. 422-423, quoting Roberts, *Article III Limits on Statutory Standing* (1993) 42 Duke L.J. 1219, 1224) – that is “rooted in the constitutionally limited subject matter jurisdiction of [federal] courts,” that principle has no bearing on the general jurisdiction of state courts. (*The Rossdale Group, LLC v. Walton* (2017) 12 Cal.App.5th 936, 944, emphasis omitted.)

Consequently, “[t]here are sound reasons to be cautious in borrowing

decide a wide range of cases. Unless a law or constitutional provision denies them jurisdiction, courts of general jurisdiction can handle any kind of case. *The California superior courts are general jurisdiction courts*,” emphasis added].

⁶ Hershkoff, *supra* note 2, at p. 1887 [“State power . . . is plenary and inherent, and the theory of state judicial power is correspondingly expansive.”]; see also 20 Am.Jur.2d (2024) Courts, § 66 [“State courts are invested with general jurisdiction that provides expansive authority to resolve myriad controversies brought before them.”].

⁷ See Williams, *supra* note 3, at pp. 298-299 [finding barriers to standing are “usually lower at the state level”]; Doggett, “Trickle Down” *Constitutional Interpretation: Should Federal Limits on Legislative Conferral of Standing Be Imported into State Constitutional Law?* (2008) 108 Colum. L.Rev. 839, 875 [“many commentators have suggested that the lack of case and controversy language in state constitutions should be read to suggest a broader scope of the judicial power in state courts”]; Gardner, *supra* note 5, at p. 809, fn. 202 [“Many states have far more relaxed rules of standing than federal courts due to the unrestricted jurisdiction of state courts.”].

federal standing concepts . . . and extending them to state court actions where no similar concerns apply.” (*Kwikset Corp. v. Super. Ct.* (2011) 51 Cal.4th 310, 322, fn. 5].)

Requiring plaintiffs to satisfy federal standing requirements to proceed in state court on federal claims would undermine this keystone principle of federalism. “[S]tate courts have inherent authority, and are thus presumptively competent, to adjudicate claims arising under the laws of the United States.” (*Yellow Freight System, Inc. v. Donnelly* (1990) 494 U.S. 820, 823.) This presumption “lies at the core of our federal system” (*id.* at p. 826), and is an “axiom” dating to the Founding. (See *Tafflin, supra*, 493 U.S. at p. 458; *Claflin v. Houseman* (1876) 93 U.S. 130, 138-142.)⁸

Such a “result properly follows from the allocation of authority in the federal system.” (*ASARCO, supra*, 490 U.S. at p. 617 [explaining that a case in Arizona state court that would have been dismissed in federal court for lack of Article III standing could proceed because the “state judiciary . . . chose a different path . . . and took no account of federal standing rules”].) The interplay of Article III and congressional enactments that do

⁸ See also *The Federalist* No. 82 (Hamilton) [“When . . . we consider the State governments and the national governments, as they truly are, in the light of kindred systems, and as parts of ONE WHOLE, the inference seems to be conclusive, that the State courts would have a concurrent jurisdiction in all cases arising under the laws of the Union, where it was not expressly prohibited.”].

not specify exclusive federal jurisdiction has resulted in a regime in which “some federal laws can be enforced only in the state courts.” (*Charles Dowd Box, supra*, 368 U.S. at pp. 507-508 & fn. 4.) In turn, this regime “facilitates the enforcement of federal rights. If Congress does not confer jurisdiction on federal courts to hear a particular federal claim, the state courts stand ready to vindicate the federal right.” (*Gulf Offshore Co. v. Mobil Oil Corp.* (1981) 453 U.S. 473, 478, fn. 4.)⁹

Thus, state courts serve as fora of residual jurisdiction when no other court has authority. Dismissal of federal claims from federal court for lack of subject-matter jurisdiction under Article III does not preclude state courts from hearing those claims. (See *Nike, Inc. v. Kasky* (2003) 539 U.S. 654, 661, fn. 2 (conc. opn. of Stevens, J.) [“Because the constraints of Article III do not apply in state courts, [citing *ASARCO, supra*, 490 U.S. at p. 617], the California courts are free to adjudicate this case.”]; *Davidson v. Kimberly-Clark Corp.* (9th Cir. 2018) 889 F.3d 956, 970, fn. 6 [“As a

⁹ Because standing is dictated by the forum, not the source of the statute, when plaintiffs assert state claims in federal district court under diversity or supplemental jurisdiction, they have no ability to pursue those claims unless they are found to possess Article III standing. (See *Lee v. Am. Nat. Ins. Co.* (9th Cir. 2001) 260 F.3d 997, 1001-1002 [“a plaintiff whose cause of action is perfectly viable in state court under state law may nonetheless be foreclosed from litigating the same cause of action in federal court, if he cannot demonstrate the requisite injury”]; *In re Capacitors Antitrust Litig.* (N.D. Cal. 2015) 154 F.Supp.3d 918, 925-926 [“[A] plaintiff who clearly has standing under a state statute but not under the requirements of Article III cannot proceed with that claim in federal court.”].)

general rule, if the district court is confronted with an Article III standing problem in a removed case—*whether the claims at issue are state or federal*—the proper course is to remand for adjudication in state court,” emphasis added.]; *Pioneers Memorial Healthcare Dist. v. Imperial Valley Healthcare Dist.* (S.D. Cal. 2024) 745 F.Supp.3d 1088, 1105-1106 [holding that a plaintiff “may yet be able pursue its [federal] claims in state court” despite lacking Article III standing because “state courts are not bound to adhere to federal standing requirements”].)¹⁰

Because standing is a question of jurisdiction (*Loeber v. Lakeside Joint School Dist.* (2024) 103 Cal.App.5th 552, 570), whether a plaintiff can bring a federal claim in state court when there is no explicit federal statutory bar on state-court jurisdiction “is a question of state law rather than federal law.” (*Saurman v. Peter’s Landing Property Owner, LLC* (2024) 103 Cal.App.5th 1148, 1165-1166 [finding standing to bring Americans with Disabilities Act claim in California court even though plaintiff “would not have standing in a federal court”].)¹¹

¹⁰ See also *City of Kansas v. Yarco Co.* (8th Cir. 2010) 625 F.3d 1038, 1041 [remanding federal Fair Housing Act claim]; *Roach v. W. Virginia Regional Jail & Corr. Facility Auth.* (4th Cir. 1996) 74 F.3d 46, 49 [remanding § 1983 claim]; *Smith v. Wisconsin Dept. of Agr. Trade & Consumer Prot.* (7th Cir. 1994) 23 F.3d 1134, 1142 [remanding federal constitutional claim].

¹¹ Other states agree. At least three state supreme courts have recently rejected a heightened standard, holding that standing in those states’ courts does not require an injury in fact. (*Voss v. Quicken Loans, LLC* (Ohio Feb.

B. The California Constitution Does Not Require An Injury In Fact To Establish Standing.

The California Constitution, which sets the outer bounds of the power of the state judiciary (*Cal. Redevelopment Assn. v. Matosantos* (2011) 53 Cal.4th 231, 252; *Harrington v. Super. Ct.* (1924) 194 Cal.185, 188), does not impose any limitations on the jurisdiction of California courts to hear disputes.

California’s superior courts are authorized to exercise “original jurisdiction in all . . . causes.” (Cal. Const., art. VI, § 10; see *Ex Parte Shaw* (1953) 115 Cal.App.2d 753, 755 [holding that, pursuant to section 10, “the superior courts are courts of general jurisdiction”].) A “cause” in this context refers to “every matter that could be decided” by the judicial power. (*In re Wells* (1917) 174 Cal. 467, 472-473.) This provision embodies “the state Constitution’s broad conferral of jurisdiction.” (*Donaldson v. Nat. Marine, Inc.* (2005) 35 Cal.4th 503, 512; see also *Wells*, at pp. 472-473 [stating that “cause” in section 10 confers a “broad meaning” with an “all-embracing application”].)¹²

19, 2026) __ N.E.3d __, Slip Opinion No. 2026-Ohio-531, 2026 WL 467671, ¶¶ 14-17; *Case v. Wilmington Trust, N.A.* (Tenn. 2024) 703 S.W.3d 274, 286; *Committee to Elect Dan Forest v. Employees Political Action Committee* (N.C. 2021) 376 N.C. 558, 600.)

¹² See also Doggett, *supra* note 7, at p. 876 [“the California Constitution refers exclusively to the adjudication of ‘causes’ rather than ‘cases,’ perhaps implying a rejection of federal justiciability standards”].

The general jurisdiction of California courts, which derives from the State’s charter, cannot be altered by the Legislature or Congress.

(*Matosantos, supra*, 53 Cal.4th at p. 252 [“Where the judicial power of courts, either original or appellate, is fixed by constitutional provisions, the legislature cannot either limit or extend that jurisdiction,” quoting *Chinn v. Super. Ct.* (1909) 156 Cal. 478, 480]; *Brown v. Walker* (1896) 161 U.S. 591, 623 [“As congress cannot create state courts, . . . so it cannot prescribe rules of proceeding for the state courts.”]; *Prigg v. Pennsylvania* (1842) 41 U.S. 539, 664 [“Congress can no more regulate the jurisdiction of the state tribunals, than a state can define the judicial power of the Union.”]).¹³

No threshold injury-in-fact standard cabins the California Constitution’s broad grant of jurisdiction. (*Weatherford, supra*, 2 Cal.5th at pp. 1247-1248 [observing that the California Constitution contains no “case or controversy requirement imposing an independent jurisdictional limitation”]; see *Saurman, supra*, 103 Cal.App.5th at p. 1163 [taking stock of California’s “broad approach to the issue of standing, routinely allowing personally interested litigants access to state courtrooms in a wide variety

¹³ The Legislature, of course, “does retain the power to regulate matters of judicial procedure”; however, that power may not be wielded to intrude on the general jurisdiction of the judiciary. (*Matosantos, supra*, 53 Cal.4th at pp. 252-253 [explaining that courts “avoid such constitutional conflicts whenever possible by construing legislative enactments strictly against the impairment of constitutional jurisdiction”].)

of legal contexts”].) Given their broad grant of jurisdiction, California courts have the authority to adjudicate any matter that comes before them. (See *Galpin v. Page* (1873) 85 U.S. 350, 365-366 [“a superior court of general jurisdiction, proceeding with the general scope of its powers . . . is presumed to have jurisdiction to give the judgments it renders until the contrary appears”]; Wright & Miller, *supra*, § 3522.)

That no case-or-controversy limitation governs the California judiciary has been evident since statehood. Neither California’s first constitution in 1849 nor its subsequent charter in 1879, which is still in effect, significantly limited the general jurisdiction of the California courts. The original 1849 Constitution conferred general jurisdiction on state trial courts in all matters as long as the amount in controversy exceeded \$200. (Cal. Const. of 1849, art. VI, § 6; see *Cohen v. Barrett* (1855) 5 Cal. 195, 210 [noting the state trial courts’ “common law or chancery powers as courts of general jurisdiction”].)¹⁴ The current California Constitution

¹⁴ See also Blume, *California Courts in Historical Perspective* (1970) 22 Hastings L.J. 121, 128-130 [examining the debates at the 1848 Constitutional Convention over the amount-in-controversy jurisdictional prerequisite]. The drafters modeled article VI largely on similar provisions in the Iowa Constitution, which also broadly extended trial courts’ original jurisdiction to “all civil and criminal matters . . . in such manner as shall be prescribed by law.” (Iowa Const. of 1846, art. VI, § 4.) The constitution of New York, the other document that the drafters substantively considered, did not contribute to article VI, section 6 of the California Constitution. (Burlingame, *The Contribution of Iowa to the Formation of the State Government of California in 1849* (1932) 20 Iowa J. Hist. & Pol. 182, 215.)

retains that same broad jurisdictional grant to state courts in article VI, section 10.¹⁵

Notably, the federal Constitution—with its case-or-controversy requirement—was not a source of inspiration for the drafters of the jurisdictional standards of either California charter.¹⁶ The historical record contains no evidence that the delegates to either of California’s constitutional conventions referenced or considered adopting the jurisdictional limits of the federal case or controversy regime.¹⁷ Moreover, the state Constitution has been amended over 500 times,¹⁸ yet the voters of California have never adopted a constitutional provision imposing an injury-in-fact or other restriction on standing.

¹⁵ See 3 Willis & Stockton, *Debates and Proceedings, California Constitutional Convention 1878-1879*, 1521-1522 [recounting a public address in which delegates explained their intention for state superior courts to retain the broad grant of jurisdiction established in the original state constitution].

¹⁶ See Saunders, *California Legal History: The California Constitution of 1849* (1998) 90 Law Library J. 447, 457-458; Burlingame, *supra* note 14, at pp. 209-212, 215; 3 Willis & Stockton, *supra* note 15, at pp. 1514-1515.

¹⁷ For an examination of the 1849 Constitution, see Saunders, *supra* note 16. For the record of the 1879 Constitution, see 2 Willis & Stockton, *Debates and Proceedings, California Constitutional Convention 1878-1879*, 966-967; 3 Willis & Stockton, *supra* note 15, at pp. 1333-1334, 1514-1515; 1521-1522; Blume, *supra* note 14, at pp. 165-169 [discussing the jurisdiction of the superior courts].

¹⁸ Carrillo et al., *California Constitutional Law: Direct Democracy* (2019) 92 S.Cal. L.Rev. 557, 573.

The text, history, and development of the California Constitution make plain that the state charter provides for broad and general jurisdiction in the superior courts and imposes no heightened standing requirement. (See *Parsonage, supra*, 341 Cal.Rptr.3d at p. 463.)

C. Neither the Beneficial Interest Standard Nor Any Other Legislative Enactment Has Ever Imposed A Broadly Applicable Injury-In-Fact Requirement In California Courts.

Just as the California Constitution provides no heightened requirements for standing, so too the California Legislature has never established a heightened default standard for those who seek access to this State's courts. (*Parsonage, supra*, 341 Cal.Rptr.3d at p. 463.) To the contrary, the "interest" required as a baseline for standing in superior court is minimal. A plaintiff simply must (1) establish a cause of action to bring a claim under that statute, and (2) have a sufficient interest in the matter to "press their case with vigor." (*Kim, supra*, 9 Cal.5th at p. 83.)

CRST's contention that "there is a concrete injury requirement under California law unless the California legislature has explicitly granted standing to sue in California courts absent harm" (RB at 14) mischaracterizes well-established California standing jurisprudence. CRST relies primarily on two recent court of appeal decisions that rest on very shaky ground: *Limon, supra*, 84 Cal.App.5th at p. 704, and its companion *Muha, supra*, 106 Cal.App.5th at p. 208. Those cases held, without

addressing the constitutional or legislative record, or the extensive jurisprudence to the contrary, that the specific approach to standing that the Legislature devised for writs of mandate brought under sections 1085 and 1086 of the Code of Civil Procedure broadly governs standing in California courts. But there was no proper basis to adopt that approach. (See *Parsonage, supra*, 341 Cal.Rptr.3d at p. 463 [disagreeing with *Limon* and *Muha* on those grounds].)

1. The Beneficial Interest Test Is Limited to Writs of Mandate and Analogous Equitable Actions Against the Government.

The *Limon* court, and the *Muha* court that followed it, wrongly transformed the “beneficial interest” standing requirement—which is limited on its face to lawsuits seeking writs of mandate under sections 1085 and 1086 of the Code of Civil Procedure—into a baseline standing requirement for *all* civil matters in California. (*Parsonage, supra*, 341 Cal.Rptr.3d at pp. 463-464 [declining to apply “section 1086’s standing provision . . . as an overarching requirement”].) The standard itself, properly construed, is simply an example of the Legislature creating a bespoke statutory standing requirement—in that instance, for parties seeking a writ of mandate to compel public agencies or officials to perform their official duties. (Code Civ. Proc., § 1086; *Parsonage*, at p. 463; *Carsten v. Psychology Examining Com.* (1980) 27 Cal.3d 793, 796-797.)

There is no indication in the text or history of sections 1085 and

1086 that this highly particularized standard somehow applies generally to standing in all matters or all “public interest” matters (*Limon, supra*, 84 Cal.App.5th at pp. 692-693) brought in California courts. (*Parsonage*, at p. 463.) Indeed, directly contrary to the reasoning in *Limon*, it is well established that the beneficial interest test contains a “public interest” exception that relaxes the heightened standard “where the question is one of public right.” (*Save the Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 166, citation omitted.) In any event, there would be no reason for the Legislature to expressly impose a “beneficial interest” standard specifically for writs of mandate if “beneficial interest” was already the standard for all cases. The beneficial interest standard is properly understood as a rare limitation on the general jurisdiction of California courts.

The provision that specified writs of mandate may be brought only by “the party beneficially interested” in the outcome (Code Civ. Proc., § 1086) is intimately tied, and limited, to the “extraordinary remedy” that this cause of action affords. (*Wenzler v. Mun. Ct. for Pasadena Jud. Dist.* (1965) 235 Cal.App.2d 128, 131-133.) Recognizing that the writ affords only equitable relief, not damages, the Legislature specified that the writ may be issued solely “in . . . cases where there is *not* a plain, speedy, and adequate remedy.” (Code Civ. Proc., § 1086, emphasis added; see *Drummev v. State Bd. of Funeral Directors & Embalmers* (1939) 13 Cal.2d

75, 82 [“it will issue . . . in all cases where there is a specific legal right and no specific legal remedy for enforcing such right,” quoting 9 Halsbury’s Laws of England 744, § 269].) The singularity of the writ by itself strongly suggests that the standing requirement should not be superimposed on other causes of action that serve different purposes and provide different remedies. (*Wenzler*, at p. 132 [noting that the writ of mandate is available only “for specified purposes” and through “a separate procedure”].)

Consistent with the Legislature’s intent to impose a greater burden on individuals seeking the writ, the California Supreme Court has long construed the statutory “beneficially interested” standard to constitute a heightened standing requirement for writs brought under sections 1085 and 1086 and their predecessors: a “special interest to be served or some particular right to be preserved or protected.” (*Carsten, supra*, 27 Cal.3d at pp. 796-797; see *Linden v. Bd. of Supervisors of Alameda County* (1872) 45 Cal. 6, 7 [the interest of the party seeking the writ “must be of a nature which is distinguishable from that of the mass of the community”].) The Court has interpreted this narrowly applied standard to be “equivalent to the federal injury in fact test” under Article III. (*Associated Builders & Contractors, Inc. v. S.F. Airports Com.* (1999) 21 Cal.4th 352, 361-362.)

But this heightened requirement cannot be uncoupled from the extraordinary equitable nature of the remedy itself: to ensure justice where no other plain, speedy, and adequate remedy is available. (Code Civ. Proc.,

§ 1086.) It is for this purpose—and only this purpose—that the California Supreme Court has examined whether parties are “beneficially interested” in the outcome for the purposes of standing in two scenarios: first, where plaintiffs are seeking writs of mandate (see, e.g., *Save the Plastic Bag Coalition, supra*, 52 Cal.4th at p. 170 [finding that an association had “the direct, substantial sort of beneficial interest” necessary to seek a writ of mandate in a California Environmental Quality Act challenge]); and second, when plaintiffs pursue analogous equitable actions against government authorities (see, e.g., *San Diegans for Open Gov. v. Pub. Facilities Fin. Authority of City of San Diego* (2019) 8 Cal.5th 733, 739 [considering statutory standing to challenge public contracts involving financial conflicts of interest under Gov. Code, § 1090].)¹⁹

Moreover, as noted, the “public interest” exception to the beneficial interest test relaxes this heightened requirement. Where a public right is at issue and “the object of the mandamus is to procure the enforcement of a public duty . . . the [plaintiff] need not show that he has any legal or special

¹⁹ The only other place in which the “beneficial interest” test generally applies is in the unrelated context of real property, corporate, and trust law, from which the principle of a beneficial interest derives. (See, e.g., *Prang v. L.A. County Assessment Appeals Bd.* (2024) 15 Cal.5th 1152, 1178 [explaining the “beneficial interest” of stockholders in a corporation]; *Yvanova v. New Century Mortgage Co.* (2016) 62 Cal.4th 919, 927 [involving a beneficial interest in a deed of trust to challenge a nonjudicial foreclosure].)

interest in the result, since it is sufficient that he is interested as a citizen in having the laws executed and the duty in question enforced.” (*Green v. Obledo* (1981) 29 Cal.3d 126, 144, citation omitted; *Save the Plastic Bag Coalition, supra*, 52 Cal.4th at p. 166, citation omitted [same].) The “public interest” exception illustrates that even in the rare instance where the Legislature heightens standing requirements, California courts continue to prioritize access to justice over procedural obstacles.

The extension of a heightened jurisdictional standard for writs of mandate to all civil cases would constitute an extraordinary, self-inflicted curtailment of the judiciary’s authority to hear all manner of disputes under California law. (See *Carsten, supra*, 27 Cal.3d at pp. 796-797 [expressing the “controlling *statutory* requirements for standing for mandate,” emphasis added].) There is no evidence in the text or history of the statute that the Legislature intended the beneficial interest standard to apply to the full panoply of cases brought in superior court, particularly cases like this one brought under statutes providing for monetary relief.²⁰ In fact, the opposite is true. The Legislature can, and occasionally does, explicitly insert the standard into specific statutory causes of action other than the writ of mandate. (See, e.g., Bus. & Prof. Code, § 26323, subd. (a) [providing in the

²⁰ Not to mention, of course, that any such general application would run counter to 150 years of California jurisprudence.

Medical Cannabis Patients’ Right of Access Act that only “parties, who shall be beneficially interested within the meaning of Section 1086,” may bring suit].) But those express exceptions prove the rule: the beneficial interest test is not a background, threshold requirement.

2. *Limon* and *Muha* Were Wrongly Decided.

That the beneficial interest test is limited to writs of mandate and other analogous equitable causes of action is alone sufficient to depart from *Limon* and *Muha*. The “only reason” the *Limon* court concluded a plaintiff was required to demonstrate a concrete injury was that it determined “a beneficial interest [i]s the default standing requirement” equivalent to the federal injury-in-fact test. (*Parsonage*, *supra*, 341 Cal.Rptr.3d at p. 463, fn. 13, citing *Limon*, *supra*, 84 Cal.App.5th at pp. 699-700.)

The cases upon which *Limon*—and later, *Muha*—relied provide no grounds for the general application of heightened standing requirements in California courts. (*Parsonage*, at p. 463.) These intertwined opinions departed, without explanation, from the defined and limited origins of the beneficial interest test. Though the analysis that *Limon* performed does not support even its conclusion that “[t]here are a number of California cases that indicate the ‘beneficial interest’ requirement applies generally to questions of standing” (*Limon*, *supra*, 84 Cal.App.4th at p. 699), the court’s collection of these outlying cases serves to illustrate just how little weight they provide for a conclusion that the beneficial interest test—or anything

else resembling Article III standing—applies generally in California courts. Because the standing cases relied upon by *Limon* and *Muha* “veer[] away from California standing law requiring nothing more than showing a sufficient interest in pursuing the matter,” there is no basis “for requiring a plaintiff to demonstrate an injury-in-fact unless the relevant statute provides otherwise.” (*Parsonage*, at pp. 463-464.)²¹

The line of cases *Limon* and *Muha* cite derives originally from decisions properly relying on the exceptions to lenient standing provided in the text of sections 1085 and 1086. (*Parsonage*, at p. 463.) In the first of these cases, in 1980, the California Supreme Court held that the plaintiff lacked a beneficial interest “within the meaning of section 1086” to seek a writ of mandate against an administrative occupational board. (*Carsten*, *supra*, 27 Cal.3d at pp. 796-797 [requiring a “special interest” or “particular right” that is “over and above the interest held in common with the public at large”].) In 1999, the Court briefly revisited the *Carsten* standard, equating it in passing to the requirements of Article III standing. (See *Associated Builders*, *supra*, 21 Cal.4th at p. 362.) In both decisions, the Court

²¹ That *Limon* and *Muha* involved federal causes of action does not change the analysis. Whether a plaintiff can bring a federal claim in state court is a question of state law rather than federal law, and California courts are not bound by the limitations of Article III. (See *supra*, Sections I.A-B.)

evaluated the beneficial interest test in the context of writ of mandate cases only; it said nothing about standing for other causes of action.

Two years later, the court of appeal in *Holmes v. California National Guard* (2001) 90 Cal.App.4th 297, 315-316, applied, without analysis, the language of *Carsten* and *Associated Builders* in a way that would eventually give rise to the small, peculiar line of decisions relied on by *Limon* and *Muha*. Although *Holmes* may have been a section 1085 action, the opinion does not say so explicitly—a potential source of the confusion that later arose. In any event, the case involved circumstances at least analogous to an action seeking a writ of mandate: the plaintiffs sued public officials seeking equitable relief, and the court looked to the standing analyses in section 1085 cases. (*Id.* at p. 318 [noting lawsuit involved a challenge, addressed to the state and state officials, by military veterans to the state law consequences of their discharge under the federal “Don’t Ask, Don’t Tell” policy].)

The seed of confusion was, however, planted. It bore fruit two decades later in *Limon*, which did not look to the sources of the language in *Holmes* but instead adopted that language wholesale for all civil cases. Had the court looked beneath the surface, it would have found that *Holmes* itself, like all the other cases relied on by *Limon*, falls into one of two categories: First, several of the decisions either “stem from writ of mandate actions” (*Parsonage, supra*, 341 Cal.Rptr.3d at p. 463) and therefore fall

within the statutory scope of section 1086,²² or constitute, like *Holmes*, suits in equity analogous to writ of mandate cases.²³ Since these courts held that plaintiffs had standing under the heightened standard, they had no reason to consider whether a lower standard should properly have applied.

Second, the remaining cases cited by *Limon* “simply asserted without analysis that the beneficial interest test applied.” (*Parsonage, supra*, 341 Cal.Rptr.3d at p. 463.) *Limon* cites these damages cases without analysis, despite the fact that the suits are not analogous to writ of mandate cases. It then makes the claim, again without analysis, that “[t]o have standing, a party must be beneficially interested in the controversy.”

²² See, e.g., *Synergy Project Management, Inc. v. City & County of San Francisco* (2019) 33 Cal.App.5th 21, 31; *SJJC Aviation Servs. LLC v. City of San Jose* (2017) 12 Cal.App.5th 1043, 1053; *Coral Construction Inc. v. City & County of S.F.* (2004) 116 Cal.App.4th 6, 14-15; App. Br., *Coral, supra*, 2003 WL 23153309, at p. *2.

²³ See, e.g., *Teal v. Super. Ct.* (2014) 60 Cal.4th 595, 599-600 [petition to recall sentence, which quotes *Holmes*]; *Dominguez v. Bonta* (2022) 87 Cal.App.5th 389, 413 [injunctive relief case that quotes, without analysis, *Teal* and *Associated Builders*]; *City of Palm Springs v. Luna Crest, Inc.* (2016) 245 Cal.App.4th 879, 883 [injunctive relief case that cites *County of San Diego v. San Diego NORML* (2008) 165 Cal.App.4th 798, 814, which itself cites *Carsten* and *Holmes*]; *Sipple v. City of Hayward* (2014) 225 Cal.App.4th 349, 358-359 [case seeking tax refunds that cites *Iglesia Evangelica Latina, Inc. v. Southern Pacific Latin Am. Dist. of the Assemblies of God* (2009) 173 Cal.App.4th 420, 445, which also cites, without analysis, *Carsten* and *Holmes*]; *TracFone Wireless, Inc. v. County of L.A.* (2008) 163 Cal.App.4th 1359, 1364 [another tax refund case that cites *CashCall, Inc. v. Super. Ct.* (2008) 159 Cal.App.4th 273, 286, which quotes *Holmes*].

(*Limon*, *supra*, 84 Cal.App.5th at p. 699, citing *Carsten* and *Holmes*.)²⁴ Yet not one of these decisions provides any additional support for that contention, any analysis of standing doctrine, or even a mention of the century and more of precedent explaining that heightened standing requirements do not apply generally in California state court.

Muha, also relied on by CRST (e.g., RB at 17-18), simply echoed the errors of *Limon*. (See 106 Cal.App.5th at pp. 207-209.) Like the cases that preceded it, *Muha* relied on cases that involve equitable remedies tracing back to *Holmes* and *Carsten*. (*Ibid.*, citing *Boorstein*, *supra*, 222 Cal.App.4th at p. 472.) Those cases describe the beneficial interest test; they do *not* establish that plaintiffs must establish an injury in fact “as a general rule . . . to sue in California state court.” (*Muha*, at p. 208.)²⁵

²⁴ See, e.g., *DFEH v. M&N Financing Corp.* (2021) 69 Cal.App.5th 434, 443-444 [citing *Boorstein v. CBS Interactive, Inc.* (2013) 222 Cal.App.4th 456, 466, which cites *Carsten* and *Holmes*]; *MTC Financial Inc. v. Cal. Dept. of Tax & Fee Administration* (2019) 41 Cal.App.5th 742, 747 [citing *Palm Springs*, *supra*, 245 Cal.App.4th at p. 883 and *Mendoza v. JPMorgan Chase Bank, N.A.* (2016) 6 Cal.App.5th 802, 810, which cites *Saterbank v. JPMorgan Chase Bank, N.A.* (2016) 245 Cal.App.4th 808, 813-814, which in turn cites, once again, *Holmes*]. A final case cited in *Limon*—*Schoshinski v. City of Los Angeles* (2017) 9 Cal.App.5th 780, 791—analyzes mootness, not standing.

²⁵ That “[f]ederal law is in accord,” (*Muha*, 106 Cal.App.5th at p. 209), is irrelevant. (See *supra*, Sections I.A-B; see also *Ramirez*, *supra*, 594 U.S. at pp. 426-427 [“For standing purposes, . . . an important difference exists between (i) a plaintiff’s statutory cause of action to sue a defendant over the defendant’s violation of federal law, and (ii) a plaintiff’s suffering concrete harm because of the defendant’s violation of federal law.”].)

Neither *Limon* nor *Muha* grapples with the limitations inherent in the beneficial interest standard, the role of California’s superior courts as tribunals of general jurisdiction, the lack of a textual basis for an injury-in-fact requirement in the California Constitution or the California Code, or any other of the bases for doubting the existence of a default heightened standing requirement in California’s courts.

What the cases cited in *Limon* and *Muha* do confirm is that the Legislature determines standing for statutory causes of action in California and, in limited instances, has decided that heightened standing is appropriate. While the beneficial interest test has sometimes been applied to closely analogous causes of action, it makes little sense—and contravenes the California Constitution’s grant of general jurisdiction to the state courts—to apply a test designed for a specific and extraordinary purpose to cases wholly outside that context. The cases that have done so, like *Limon* and *Muha*, are outliers and should not be followed. (See *Parsonage*, *supra*, 341 Cal.Rptr.3d at p. 463.)

D. Importing An Injury-In-Fact Requirement Into California Courts Would Vitate The State’s Commitment To Access To Justice.

A holding that state-court plaintiffs must establish an Article III-like injury in fact would also severely undermine the longstanding role of the California judiciary in providing ready access to justice for this State’s residents. (See *Super. Ct. v. County of Mendocino* (1996) 13 Cal.4th 45, 66

[the judiciary “has a keen and overriding interest in assuring that the public enjoys the broadest possible access to justice through the judicial system”].)

Depriving litigants of a forum in California courts, when they are simultaneously foreclosed from bringing their case in federal court, would mean that parties would have *no* forum in which to bring suit.²⁶ Especially because the U.S. Supreme Court has in recent years increasingly narrowed access to federal judicial relief by restricting Article III standing, litigants now increasingly must file or refile their matters in state court.²⁷ If those same litigants have to satisfy a stringent constitutional standing prerequisite in *state* court as well, they will likely have no access to a judicial resolution of their claims. State courts that reject valid federal claims on standing grounds are abdicating their constitutional role as fora for causes of action

²⁶ Flaherty & Ogren, *The New Standing Doctrine, Judicial Federalism, and the Problem of Forumless Claims* (2025) 134 Yale. L.J. 1008, 1019-1020 [“When state standing requirements mirror federal standards, the doors of federal and state courts alike are closed to valid but ‘inconcrete’ federal claims. This leaves these valid federal claims ‘forumless’ in states with restrictive standing requirements by depriving plaintiffs of any court with jurisdiction to decide their merits and grant appropriate relief.”].

²⁷ See Carter, *Bringing Federal Consumer Claims in State Court: A 50-State Analysis of Standing Rules* (Mar. 27, 2022) Nat. Consumer Law Center, <<https://www.nclc.org/bringing-federal-consumer-claims-in-state-court-a-50-state-analysis-of-standing-rules/>> (as of March 11, 2026) [noting that filing consumer cases alleging intangible injuries in state court is a viable alternative after *Ramirez*]; Frankel, *State Court Will Be Next Frontier For Consumer Class Actions Under Federal Law* (June 28, 2021) Reuters, <<https://www.reuters.com/legal/litigation/state-court-will-be-next-frontier-consumer-class-actions-under-federal-law-2021-06-28/>> (as of March 11, 2026) [anticipating such a trend].

asserted under federal law and their role as courts of general jurisdiction under the State Constitution. (See *supra*, Section I.A.)

Moreover, grafting an Article III standing requirement onto state court jurisdiction could undermine the many California and federal statutory protections enacted by the Legislature and Congress. Some statutes safeguard inherently intangible interests, some proactively protect tangible interests by regulating conduct that jeopardizes those interests before a tangible harm materializes, and others protect intangible interests against the risk of harm.²⁸ The provision of statutory damages can serve a crucial purpose in these statutory schemes: preventing and responding to harms that can be hard to trace and quantify. (*F.W. Woolworth Co. v. Contemporary Arts* (1952) 344 U.S. 228, 234 [holding that statutory damages are “designed to discourage wrongful conduct”]; *Guracar, supra*, 111 Cal.App.5th at p. 345 [“statutory damages serve to motivate compliance with the law and punish wrongdoers”]).²⁹

The legislative branch, state and federal, creates private enforcement regimes like these to ensure that crucial statutory protections will be enforced. (See, e.g., *Deckert v. Independence Shares Corp.* (1940) 311 U.S.

²⁸ Flaherty & Ogren, *supra* note 26, at p. 1023.

²⁹ Buhai, *Statutory Damages: Drafting and Interpreting* (2018) 66 Kan. L.Rev. 523, 542 [“statutory damages are presumably used both to deter wrongful conduct and to compensate the victim”].

282, 288 [“The power to enforce implies the power to make effective the right of recovery afforded by the Act” of Congress]; *Kwikset, supra*, 51 Cal.4th at p. 330 [recognizing “the significant role . . . private consumer enforcement plays for many categories of unfair business practices”].) There is “no reason why this state’s Legislature cannot create a statutory right, deem a violation of that right an injury sufficient to confer standing— independent of actual damages—and provide a modest monetary award as a remedy . . . for those motivated to pursue it.” (*Chai, supra*, 108 Cal.App.5th at p. 1040; *Guracar, supra*, 111 Cal.App.5th at p. 343.) That same principle applies when Congress “intends private litigants to have a cause of action to support their statutory rights.” (*Cannon v. Univ. of Chicago* (1979) 441 U.S. 677, 717.)

For example, dozens of federal and California statutes expressly prohibit privacy or notice-type violations—the types of intangible injury that often will not satisfy Article III standing after *Spokeo, Inc. v. Robins* (2016) 578 U.S. 330 and *Ramirez, supra*, 594 U.S. 413—and authorize consumers to bring private lawsuits in court to remedy those harms.³⁰

³⁰ See, e.g., 15 U.S.C. § 1692g [notice and disclosure requirements under the Fair Debt Collections Practices Act]; 47 U.S.C. § 227 [failure to provide notice in an unsolicited advertisement under the Telephone Consumer Protection Act]; 29 U.S.C. § 1166 [comprehensive notice to employees about continuation coverage rights under the Consolidated Omnibus Budget Reconciliation Act]; 18 U.S.C. § 2710 [specific consent and notice procedures for disclosure of personally identifiable information by video service providers under the Video Privacy Protection Act]; Civ.

Federal consumer privacy regimes that are intended to protect individuals against unauthorized disclosure of their personal information rely, like their California counterparts, on private suits in which a concrete and particularized injury in fact may be difficult to establish.³¹ Certain civil rights statutes are also crafted with particular standing requirements based on actual or perceived infringements of statutory rights. (See, e.g., *Saurman, supra*, 103 Cal.App.5th at pp. 1165-1166 [state standing under the ADA]; *Angelucci, supra*, 41 Cal.4th at pp. 175-176 [standing under the Unruh Civil Rights Act]; *Urhausen v. Longs Drugs Stores Cal., Inc.* (2007) 155 Cal.App.4th 254, 265-266 [standing under the Disabled Persons Act].)

Code, § 1770, subd. (a)(25) [failure under Consumer Legal Remedies Act to disclose that events or workshops regarding veterans' benefits are not sponsored by or affiliated with the federal or state Departments of Veterans Affairs]; *id.*, §§ 1788.14, 1788.30 [disclosure and notice requirements under the Rosenthal Fair Debt Collection Practices Act]; *id.*, §§ 2982-2983 [disclosure requirements on conditional sales contracts and private right of action under the Rees-Levering Motor Vehicle Sales and Finance Act].

³¹ See, e.g., 15 U.S.C. § 1681n [private right of action for violations of the Fair Credit Reporting Act]; 18 U.S.C. § 2724 [private right of action for violations of the Driver's Privacy Protection Act]; 47 U.S.C. § 551 [private right of action to challenge violations of the Cable Communications Policy Act, including failure to destroy personally indefinable information]; Civ. Code, § 1785.31, subd. (a) [private right of action to challenge violations of the California Consumer Credit Reporting Agencies Act]; *id.*, §§ 1798.82, subd. (a), 1798.84 [requirement to disclose any breach of consumer information under California Data Breach Notification Act]; *id.*, § 1798.150 [private right of action to redress unauthorized access or disclosure of personal information under the California Consumer Privacy Act]; see also Citron & Solove, *Privacy Harms* (2022) 102 Bost. U. L.Rev. 793, 830 [observing that "[f]or many types of privacy harms, the law lacks clarity and consistency as to whether the harm is cognizable"].)

Adoption of an injury-in-fact requirement in California courts would undermine enforcement of statutory protections for Californians in their own state courts. It would bar claims under federal statutes that have, since the Nation’s founding, been cognizable in state court. It would create a bizarre scenario in which dozens if not hundreds of statutes, duly enacted by the Legislature and Congress, are rendered largely unenforceable. And this sea-change that CRST proposes would entail rejecting a century and a half of constitutional balance among the branches of government—all without textual basis or compelling need.

It is difficult to imagine the courts of California countenancing that result.

II. WHEN THE CLAIM AT ISSUE IS STATUTORY, STANDING IN CALIFORNIA COURTS IS DETERMINED BY THE STATUTE ITSELF.

The sole requirements for standing in California courts are the existence of a cause of action (*Parker, supra*, 40 Cal.2d at p. 351) and a sufficient interest in an actual controversy. (*Kim, supra*, 9 Cal.5th at p. 83; Code Civ. Proc., § 367.) When the legislative branch creates a cause of action—as Congress did when it enacted the FCRA—it determines who may bring a claim and for what violations. (See *Texas & P. Ry. Co. v. Rigsby* (1916) 241 U.S. 33, 39 [when Congress creates a law, a party that is “one of the class for whose especial benefit the statute was enacted” has a remedy for violation of that law]; see also *Librers v. Black* (2005) 129

Cal.App.4th 114, 124 [defining standing to sue as a “party[’]s right to make a legal claim or seek judicial enforcement,” citation omitted].) Plaintiffs who fall within the class of people a statute protects and who suffer a violation under the statute, therefore, have a cause of action under the law and a sufficient interest to vindicate their rights.

Whether standing remains at the default lenient level or is made more stringent for a given statute is therefore a *legislative* determination. (*Kim, supra*, 9 Cal.5th at p. 83 [“When . . . a cause of action is based on statute, standing rests on the provision’s language, its underlying purpose, and the legislative intent.”].) Thus, “[s]tanding rules for statutes must be viewed in light of the intent of [the legislature] and the purpose of the enactment.” (See *White v. Square, Inc.* (2019) 7 Cal.5th 1019, 1024; *Lexmark Internat., Inc. v. Static Control Components, Inc.* (2014) 572 U.S. 118, 128 & fn. 4 [“statutory standing” is an inquiry into whether a plaintiff “falls within the class of plaintiffs whom Congress has authorized to sue”].)

A. Plaintiffs In California Courts, Pursuing Federal Or State Claims, Need Only Point To A Sufficient Interest In The Matter To Establish Standing.

If there is a universal standing requirement in California state court, applicable to claims under either federal law or state law, it is simply that a plaintiff must have a “sufficient interest” in the case to ensure that the case is pursued. (*Common Cause v. Bd. of Supervisors* (1989) 49 Cal.3d 432, 439-440.) It is true that “California statutes generally require that plaintiffs

have suffered some injury” (*Guracar, supra*, 111 Cal.App.5th at p. 343), but the requirement does not hold in all cases and is not equivalent to federal-style injury in fact. (See *ibid.* [“the Legislature may authorize consumers and others whose rights have been violated to recover statutory damages or penalties absent the concrete harm required in federal court by Article III”].) Rather, “injury” in this context means “some ‘invasion of the plaintiffs’ legally protected interests,” which can be defined by statute. (*Angelucci, supra*, 41 Cal.4th at p. 175.) “Thus, ‘if the statement of a cause of action shows an invasion of the plaintiff’s legally protected interests, nothing further is required.’” (*Parsonage, supra*, 341 Cal.Rptr.3d at p. 453, quoting 5 Witkin, Cal. Procedure (6th ed. 2025) Pleading, § 906.)

That quantum of interest does not, to put it mildly, impose the same standing requirements as the far more stringent injury-in-fact standard. A “sufficient interest” merely ensures that the parties will “press their case with vigor.” (*Common Cause, supra*, 49 Cal.3d at pp. 439-440; see also *Harman v. City & County of S.F.* (1972) 7 Cal.3d 150, 159 [explaining that “[a] party enjoys standing . . . if his stake in the resolution of that complaint assumes the proportions necessary to ensure that he will vigorously present his case”].) While the requirement of an “actual controversy” may sometimes be “difficult to define and hard to apply” (*Cal. Water & Telephone Co. v. L.A. County* (1967) 253 Cal.App.2d 16, 22), a broad consensus of the courts of appeal has held that the controversy must simply

be “substantial,” or that the party would be “benefited or harmed” by the outcome. (See *In re Marriage of Marshall* (2018) 23 Cal.App.5th 477, 485, quoting *City of Santa Monica v. Stewart* (2005) 126 Cal.App.4th 43, 59; accord *Blumhorst v. Jewish Family Services of L.A.* (2005) 126 Cal.App.4th 993, 1000-1001.) Ultimately, each statute determines what the measure of injury might be. (*Guracar, supra*, 111 Cal.App.5th at p. 343 [when a statute “provides for statutory damages or penalties, it often permits individuals who have suffered no concrete harm to seek such relief,” citing cases].)

The closely related general statutory requirement that “every action must be prosecuted in the name of the real party in interest, except as otherwise provided by statute” (Code Civ. Proc., § 367) serves simply to reinforce the necessity of a sufficient interest. (See *Zolly v. City of Oakland* (2022) 13 Cal.5th 780, 789.) The “real party in interest” is simply “any person or entity whose interest will be directly affected by the proceeding’ including anyone with ‘a direct interest in the result.’” (*Ibid.*, quoting *Connerly v. State Personnel Bd.* (2006) 37 Cal.4th 1169, 1178.) In other words, the real party in interest is the individual or entity with “the right to sue under the substantive law.” (*River’s Side at Washington Square Homeowners Assn. v. Super. Ct.* (2023) 88 Cal.App.5th 1209, 1225.)

The Code of Civil Procedure does not interpose any additional requirements, including those contained in Article III. (*Jasmine, supra*, 180 Cal.App.4th at p. 991.) Section 367 of that Code ensures that there is an

actual controversy, and that a suit is brought in the name of the entity that has the right to sue under the substantive law invoked.³² “This provision is not the equivalent of, and provides no occasion to import, federal-style ‘standing’ requirements. . . . [S]ection 367 simply requires that the action be maintained in the name of the person who has the right to sue under the substantive law.” (*Jasmine*, at p. 991; *Matrixx Initiatives, Inc. v. Doe* (2006) 138 Cal.App.4th 872, 877-878 [distinguishing these prudential concerns from the injury-in-fact requirement derived from Article III].)³³

B. Unless Congress Has Provided For Exclusive Federal Jurisdiction, California Courts Can And Must Entertain Federal Statutory Causes of Action.

Federal law is as binding on California as statutes enacted by the State’s Legislature. (See *Testa v. Katt* (1947) 330 U.S. 386, 391.) Congress has plenary power to “elevate” harms to an actionable legal status, imposing a “statutory prohibition or obligation” and creating a cause of action to sue over its violation. (See *Ramirez*, 594 U.S. at 427; *Alexander*,

³² Section 367’s analogue in federal court, Federal Rule of Civil Procedure 17, similarly requires only that the “action should be brought in the name of the party who possesses the substantive right being asserted under the applicable law.” (Wright & Miller, *supra*, History and Purpose of Rule 17, § 1541.)

³³ See also Wright & Miller, *supra*, Real Party in Interest, Capacity, and Standing Compared, § 1542 [observing that “courts and attorneys frequently have confused the requirements for standing with those used in connection with real-party-in-interest or capacity principles”]. In any event, *amici* agree with Mr. Askins that he maintains a sufficient direct interest in this proceeding to satisfy Section 367. (See AOB at 16-17.)

supra, 532 U.S. at p. 286 [“private rights of action to enforce federal law must be created by Congress”].)

When Congress creates a cause of action for an intangible or procedural harm, state courts lack the constitutional authority to modify or effectively nullify this decision. (See *Haaland v. Brackeen* (2023) 599 U.S. 255, 259 [“Congress can require state courts . . . to enforce federal law.”]; *Printz v. United States* (1997) 521 U.S. 898, 907, 925 [Congress can “impos[e] . . . an obligation on state judges to enforce federal prescriptions”].) So long as state courts entertain “the same type of claim” as the federal one at issue, they cannot decline to exercise jurisdiction. (*Haywood v. Drown* (2009) 556 U.S. 729, 740, fn.6.)

Consistent with the strong presumption in favor of concurrent jurisdiction (see *Mims v. Arrow Fin. Servs., LLC* (2012) 565 U.S. 368, 378), the only limit on plaintiffs’ ability to bring federal claims in California court is the State’s own, more relaxed, justiciability regime. (See *supra*, Section I.)³⁴ The concurrency presumption is “[s]o strong” that only two narrow circumstances defeat it: first, “when Congress expressly ousts state courts of jurisdiction,” and second, when the state court has a valid excuse to refuse jurisdiction. (*Haywood*, *supra*, 556 U.S. at pp. 735-736.)

³⁴ Bennett, *The Paradox of Exclusive State-Court Jurisdiction Over Federal Claims* (2021) 105 Minn. L. Rev. 1211, 1230.

Since the latter circumstance rests entirely in the hands of state courts, the only way for Congress to confine state-court jurisdiction is by “an explicit statutory directive” or “an unmistakable implication from legislative history” providing exclusive federal jurisdiction. (*Gulf Offshore, supra*, 453 U.S. at p. 478.) Although such instances are rare, they are by no means unheard of. And when they occur—when Congress expressly ousts state courts of jurisdiction—the intent is unmistakable.³⁵

**C. For California Courts To Be Open To “Injury In Law”
Claims Under State Statutes But Not Federal Laws
Would Constitute Impermissible Discrimination.**

State courts, for their part, may decline jurisdiction over federal claims only if they can cite a “valid excuse”—a neutral rule of judicial administration that neither discriminates against federal law nor burdens federal rights. (See *Haywood, supra*, 556 U.S. at pp. 735-737.) Declining to exercise jurisdiction over a federal claim for lack of an injury in fact, where

³⁵ See, e.g., 15 U.S.C. § 78aa [“The district courts of the United States . . . shall have exclusive jurisdiction of” Securities Exchange Act claims]; 18 U.S.C. § 3231 [“The district courts of the United States shall have original jurisdiction, exclusive of the courts of the States, of all [criminal] offenses against the laws of the United States.”]; 28 U.S.C. § 1333 [“The district courts shall have original jurisdiction, exclusive of the courts of the States, of” admiralty cases]; *id.*, § 1334 [“the district courts shall have original and exclusive jurisdiction of all cases under title 11”]; *id.*, § 1338, subd. (a) [“No State court shall have jurisdiction over any claim for relief arising under any Act of Congress relating to patents, plant variety protection, or copyrights.”]; 29 U.S.C. § 1132, subd. (e)(1) [“Except for actions under subsection (a)(1)(B) of this section, the district courts of the United States shall have exclusive jurisdiction of civil actions under” the Employee Retirement Income Security Act].

the federal statute at issue itself does not expressly impose such a limitation and where no such standing requirement exists in California for state statutes, is both discriminatory and burdensome. It second-guesses Congress's decision to create a cause of action for an "injury in law."

When California created its courts of general jurisdiction (see Cal. Const., art. VI, § 10), it bestowed jurisdiction over a class of claims broad enough to trigger the obligation to hear federal claims. To refuse to hear those claims would be to discriminate against federal law. (See *Howlett ex rel. Howlett v. Rose* (1990) 496 U.S. 356, 372 ["[T]he Courts of the several states must remain open to [federal-law] litigants on the same basis that they are open to litigants with causes of action springing from a different source."]; *Haywood, supra*, 556 U.S. at p. 740 ["[H]aving made the decision to create courts of general jurisdiction that regularly sit to entertain analogous suits, [the state] is not at liberty to shut the courthouse door to federal claims that it considers at odds with its local policy"].)

Hearing federal statutory claims requires California courts to do no more than what they already competently do and have historically done: examine whether the elements of a cause of action are met and whether the plaintiff is entitled to relief as specified by the statute. For example, prior to an initiative measure in 2004, private plaintiffs could file suit under the Unfair Competition Law (UCL) even if they "had not been injured by the business act or practice at issue." (*Cal. Med. Assn. v. Aetna Health of Cal.*,

Inc. (2023) 14 Cal.5th 1075, 1086.) Though the voters opted to restrict standing under the UCL,³⁶ there was never a question that the Legislature had the authority to establish such broad standing in the first place. (See *In re Tobacco II Cases* (2009) 46 Cal.4th 298, 324 [holding the ballot measure was intended to restrict “the UCL’s generous standing provision”].)

In addition, until recently, the state’s Private Attorneys General Act (PAGA) conferred “fairly broad” standing for an “aggrieved employee” to bring an action against an employer on behalf of the Labor Commissioner for workplace violations. (*Adolph, supra*, 14 Cal.5th at pp. 1121-1122; see Lab. Code, § 2699, subd. (a).) The Legislature provided that any person “employed by the alleged violator” who experienced “one or more of the alleged violations” had a cause of action to bring a PAGA suit, “including a plaintiff who has suffered no actual injury.” (*Kim, supra*, 9 Cal.5th at pp. 83-84, 86.) The plain text of the law and its legislative history demonstrated that the Legislature sought to avoid “restrict[ing] PAGA standing to plaintiffs with some ‘redressable injury.’” (*Id.* at pp. 84, 90-91 [“The Legislature defined PAGA standing in terms of violations, not injury.”].)³⁷

³⁶ In 2004, California voters approved Proposition 64, which “curtailed the universe of those who may enforce” the UCL to just “a person who has suffered injury in fact and has lost money or property as a result of the unfair competition.” (*Kwikset, supra*, 51 Cal.4th at pp. 320-322; see Bus. & Prof. Code, § 17204, as amended.)

³⁷ Last year, facing the threat of a ballot measure that might have repealed PAGA, the Legislature amended the law to restrict statutory standing only

That a heightened injury showing is now mandated under the UCL and PAGA confirms that no such background standing requirement previously existed under the law; rather, in each case, it took an exercise of legislative power to impose that condition.

When, as with the FCRA, Congress has made a policy choice to create a cause of action for violations of law, it is not the purview of the state courts to countermand that determination. (See *Felder v. Casey* (1988) 487 U.S. 131, 143 [“The decision to subject state subdivisions to liability for violations of federal rights . . . was a choice that Congress, not the [State] Legislature, made, and it is a decision that the State has no authority to override.”].) Refusal to hear federal claims on general policy grounds would be “patently incompatible with the compensatory goals of the federal legislation.” (*Ibid.*)

With respect to the FCRA in particular, as has recently been confirmed, California courts are able and willing to hear analogous state law claims under the ICRAA. (See *Yeh v. Barrington Pacific, LLC* (2026) 117 Cal.App.5th 1303, 1323; *Parsonage, supra*, 341 Cal.Rptr.3d at p. 460.) And since California courts already hear analogous claims with analogous

to those employees who “personally suffered each of the violations alleged.” (Lab. Code, § 2699, subd. (c)(1), as amended by Stats. 2024, ch. 44, § 1 (Assem. Bill 2288).)

elements seeking analogous relief, they cannot—notwithstanding *Limon* and *Muha*—decline jurisdiction because they may disagree with the scope of harms for which Congress created a cause of action.

III. BECAUSE CALIFORNIA COURTS DO NOT IMPOSE AN INJURY-IN-FACT REQUIREMENT, PLAINTIFF HAS STANDING TO BRING HIS FCRA CLAIM IN STATE COURT.

The FCRA permits consumers and employees whose statutory rights have been violated to sue for relief under the Act. No injury in fact is required by either California standing jurisprudence or the federal statute. Mr. Askins has thus met the standing requirement to proceed with his lawsuit.

A. Congress Has Provided Causes Of Action For Consumers And Employees To Enforce The FCRA.

The text and stated purpose of the Fair Credit Report Act demonstrate Congress’s intent to provide a cause of action for injuries in law, with no heightened standing limitations within the statute itself. (See *Ramirez, supra*, 594 U.S. at p. 459, fn. 9 (dis. opn. of Thomas, J.).) Consumer credit reports, the subject of the FCRA, contain crucial personal information and are instrumental for any person to participate in the national economy. “A credit report can determine everything from whether a person can secure a credit card, purchase a home, win a new job, or start a small business.” (*Dept. of Agriculture Rural Dev. Rural Housing Service v. Kirtz* (2024) 601 U.S. 42, 45]; *see* 15 U.S.C. § 1681, subd. (a)(3) [finding

that “[c]onsumer reporting agencies have assumed a vital role in assembling and evaluating consumer credit and other information on consumers”].) Mistakes on consumer reports—or worse, fraud and identity theft—can inflict significant harm on people’s daily lives. (*Kirtz*, at p. 48.)

In recognition of the essential role of consumer reports, Congress enacted the FCRA in 1970 to protect information contained in those reports and ensure “that consumer reporting agencies exercise their grave responsibilities with fairness, impartiality, and a respect for the consumer’s right to privacy.” (15 U.S.C. § 1681, subd. (a)(4); see *Syed v. M-I, LLC* (9th Cir. 2017) 853 F.3d 492, 496 [explaining that Congress enacted the FCRA “in response to concerns about corporations’ increasingly sophisticated use of consumers’ personal information in making credit and other decisions.”].) Specifically, Congress recognized the need to “ensure fair and accurate credit reporting, promote efficiency in the banking system, and protect consumer privacy.” (*Safeco Ins. Co. v. Burr* (2007) 551 U.S. 47, 52.) The law imposes numerous disclosure, authorization, and procedural requirements on consumer reporting agencies and the persons who procure such reports. (15 U.S.C. §§ 1681b-1681m.)

The evolution of the FCRA further illustrates Congress’s intent to provide relief for injuries in law. Congress expanded the FCRA in 1996 in

two key ways that sought to enhance—not limit—consumer protections.³⁸ (See *Connor v. First Student, Inc.* (2018) 5 Cal.5th 1026, 1033.) First, Congress recognized “the significant amount of inaccurate information that was being reported by consumer reporting agencies and the difficulties that consumers faced getting such errors corrected.”³⁹ Congress was specifically concerned that prospective employers were obtaining and using consumer reports in a manner that violated job applicants’ privacy rights.⁴⁰ (*Syed, supra*, 853 F.3d at p. 496.) The core problem, according to one industry expert, was that few market incentives existed to motivate the credit reporting industry to voluntarily correct accuracy problems, because consumers are not the credit bureaus’ paying customers.⁴¹ The disclosure and authorization provisions codified at 15 U.S.C. § 1681b were intended to address these concerns. (See *Syed*, at p. 497.) These provisions further

³⁸ Consumer Credit Reporting Reform Act of 1996, Pub. L. 104-208 (Sept. 30, 1996) 110 Stat. 3009, 426-462.

³⁹ Sen. Comm. on Banking, Housing, and Urban Affairs, Rep. No. 108-166 on Sen. Bill No. 1753 (108th Cong., 1st Sess.) October 17, 2003, pp. 5-6.

⁴⁰ Sen. Comm. on Banking, Housing and Urban Affairs, Rep. No. 104-185 on Sen. Bill No. 650 (104th Cong., 1st Sess.) December 14, 1995, p. 35 [“The Committee is concerned, however, that [the FCRA provision permitting employers to obtain consumer reports pertaining to current and prospective employees] may create an improper invasion of privacy.”].

⁴¹ Hearing before the Subcomm. on Consumer Affairs & Coinage of the H. Comm. on Banking, Fin., & Urban Affairs, 102d Cong. 60–61 (1991) (Serial No. 102-45; statement of Dr. Culnan, Georgetown University School of Business Administration).

Congress’s overarching purpose of ensuring accurate credit reporting, promoting efficient error correction, and protecting privacy. (See *Safeco, supra*, 551 U.S. at p. 52.)

Second, the 1996 amendments expanded who may be held liable under the FCRA. As originally enacted in 1970, the FCRA authorized a private right of action only against “consumer reporting agenc[ies]” and “person[s]” who procure credit information from consumer reporting agencies.⁴² The 1996 amendments, which broadened the FCRA’s reach by revising the 1970 Act’s remedial provisions (*Kirtz, supra*, 601 U.S. at p. 46), additionally authorized consumer suits against “[a]ny person” who willfully or negligently fails to comply with “any” of the law’s “requirement[s].”⁴³ This expansion reflected Congress’s intent to ensure comprehensive enforcement of the FCRA’s protections through broad private rights of action.

What Congress did not do—either in the initial enactment of the FCRA or in any of the Act’s refinements—is evince an intent to impose a universal injury-in-fact standing requirement to challenge violations of the

⁴² See, e.g., 84 Stat. 1130; see also 15 U.S.C. § 1681d, subd. (a) [providing that a “person” who requests “an investigative consumer report on any consumer” must inform the consumer in writing “not later than three days after the date on which the report was first requested.”].

⁴³ 110 Stat. 3009, *supra* note 38, at pp. 446-448; see 15 U.S.C. §§ 1681n, subd. (a), 1681o, subd. (a).

FCRA.⁴⁴ In fact, the law premises liability not on any type of particular harm, such as actual damages, but on *violations*. (See 15 U.S.C. § 1681n, subd. (a) [“Any person who willfully *fails to comply* with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer,” emphasis added]; *id.*, § 1681o, subd. (a) [“Any person who is negligent in *failing to comply* with any requirement imposed under this subchapter with respect to any consumer is liable to that consumer,” emphasis added].)

If Congress had intended to limit causes of action to only permit claims by those who sustain *injuries* from violations, it could have done so.⁴⁵ But it did not. The omission of such language is presumed to be intentional, and it would be improper to “read it back in.” (See *Kashanian v. National Enterprise Systems, Inc.* (2025) 114 Cal.App.5th 1037, 1045.)

⁴⁴ The fact that Congress did not impose a heightened standing requirement in a specific statute does not, of course, mean that the Constitution or the U.S. Supreme Court did not affect a general standard that governs standing “in *federal* court.” (See *Ramirez, supra*, 594 U.S. at p. 427, emphasis added.) What matters for standing in California *state* court is the text of the individual statute.

⁴⁵ See, e.g., Clayton Antitrust Act, 15 U.S.C. § 15 [“any person who shall be injured in his business or property”]; Securities Exchange Act, *id.*, § 78i, subd. (e) [“any person who shall purchase or sell any security at a price which was affected” by manipulation]; Lanham Act, *id.*, § 1125, subd. (a) [“any person who believes that he or she is or is likely to be damaged”]; Racketeer Influenced and Corrupt Organizations, 18 U.S.C. § 1964, subd. (c) [“any person injured in his business or property by reason of a violation”].

Nor did Congress oust state courts of jurisdiction over FCRA claims (see *supra*, Section II.B), despite operating against a backdrop of more than 235 years of concurrent state court jurisdiction over federal claims.

CRST's argument that the "FCRA does not authorize standing to pursue statutory damages absent a concrete injury" (RB at 15-17) misreads this Court's holding in *Kashanian*, *supra*, 114 Cal.App.5th 1037. The *Kashanian* court was not presented with claims under the FCRA and it did not, as CRST contends, "analyze" *Limon*. (*Ibid.*) In holding that "*Limon* is inapposite," this Court merely summarized that decision and explained that *Limon*'s holding did not apply to claims under the Rosenthal Act. (*Kashanian*, at p. 1047.)

The District Courts of Appeal that have extensively analyzed *Limon*, on the other hand, have all held that "*Limon*'s analysis rested largely on semantics," because the distinction between damages and penalties is "not dispositive of standing." (*Yeh*, *supra*, 117 Cal.App.5th at pp. 1321-1322; see also *Parsonage*, *supra*, 118 Cal.App.5th at p. 460 [agreeing with *Yeh*]; *Guracar*, *supra*, 111 Cal.App.5th at p. 345 [assuming that statutory damages are purely compensatory is "an obvious flaw in [] logic"]; *Chai*, *supra*, 108 Cal.App.5th at p. 1039 [use of "damages" under the FDBPA, untethered from an economic injury, provided consumers standing to sue for statutory violations].) As one federal court recently observed, "Because the actual harm that a willful FCRA violation will inflict on a consumer is

often small or difficult to prove, Congress set a range of statutory damages that is proportionate and appropriately compensates the consumer irrespective of actual harm.” (*Kang v. Credit Bureau Connection, Inc.* (E.D. Cal. Mar. 4, 2022) 2022 WL 658105, at *6, citation and emphasis omitted.)

In any event, the availability and type of remedies under a statute is irrelevant to whether a plaintiff may bring a cause of action to vindicate rights afforded under that statute. (See *Clayworth v. Pfizer, Inc.* (2010) 49 Cal.4th 758, 789 [disapproving of an argument that “conflates the issue of standing with the issue of the remedies to which a party may be entitled”]; *Franklin v. Gwinnett Cnty. Pub. Schs.* (1992) 503 U.S. 60, 65-66 [“That a party may ultimately be unable to prove a right to damages . . . does not demonstrate that it lacks standing to argue for its entitlement to them.”]; *Testa, supra*, 330 U.S. at p. 391 [“the obligation of states to enforce . . . federal laws is not lessened by reason of the form in which they are cast or the remedy which they provide”].) Whereas the question of standing is jurisdictional, the question of damages goes to the merits.

Just as California courts have held with respect to other disclosure-based statutes, failure to comply with FCRA’s provisions confers standing “to sue for the violation of [] statutory rights.” (*Chai, supra*, 108 Cal.App.5th at p. 1040 [FDBPA]; *Guracar, supra*, 111 Cal.App.5th at p. 343 [Private Student Loan Collections Reform Act]; *Kashanian, supra*, 114 Cal.App.5th at pp. 1047-1048 [Rosenthal Act]; *Yeh, supra*, 117

Cal.App.5th at p. 1323 [ICRAA]; *Parsonage, supra*, 341 Cal.Rptr.3d at p. 460 [ICRAA].) To hold otherwise would not only impair Californians' ability to vindicate their statutory rights in their own state courts, but would also impermissibly discriminate against federal claims and burden federal rights. (See *Haywood, supra*, 556 U.S. at pp. 735-737.)

B. Plaintiff Has Standing Under The FCRA To Bring His Claims In California Court.

Terry Askins satisfies the minimal statutory standing requirements set forth by Congress in the FCRA. It is undisputed that Mr. Askins did not receive the notices required by 15 U.S.C. § 1681b. (AOB at 9; RB at 26.) Those assertions are sufficient to establish his standing to bring this case.

Because the courts of California are courts of general jurisdiction, and because Congress has set forth the conduct that constitutes a violation of the FCRA without providing for exclusive federal jurisdiction or any concomitant requirement for an injury in fact or beneficial interest, Mr. Askins and those he represents have standing to proceed with their claims.

CONCLUSION

For the foregoing reasons, the judgment of the superior court should be reversed.

Dated: March 20, 2026

Respectfully submitted,

/s/ Seth E. Mermin

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CERTIFICATE OF COMPLIANCE

I certify that this brief complies with the typeface and volume limitations set forth in California Rules of Court, rule 8.204(c)(1). The brief has been prepared in 13-point Times New Roman font. The word count is 13,345 words based on the word count of the program used to prepare the brief.

Dated: March 20, 2026

/s/ Seth E. Mermin
SETH E. MERMIN

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CERTIFICATE OF SERVICE

I, the undersigned, declare that I am a citizen of the United States, over the age of 18 years, reside in Oakland, California, and not a party to the within action. My business address is the University of California, Berkeley, School of Law, 308 Berkeley Law, Berkeley, CA 94720-7200.

On the date set forth below, I cause a copy of the follow to be served:

**APPLICATION TO FILE BRIEF AND BRIEF OF AMICI
CURIAE IN SUPPORT OF PLAINTIFF-APPELLANT**

on the following interested parties in this action via the **TrueFiling portal**:

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I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on March 20, 2026, in Berkeley, CA.

/s/ Seth E. Mermin
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