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## Fifth Circuit Gets it Right, Affirms Summary Judgment

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In *Hall v. LVNV Funding, L.L.C.*, 2018 WL 4664117 (5th Cir. Sept. 26, 2018), the Fifth Circuit affirmed summary judgment for a furnisher of credit information, finding there was no dispute of material fact as to whether the furnisher fulfilled its obligations under the FCRA.

Aric Hall filed a Complaint against LVNV Funding, LLC (“LVNV”) alleging that it violated the FCRA. Hall claimed that LVNV failed in its duties as a furnisher of information to investigate and verify the accuracy of disputed credit information as well as to modify or delete inaccurate information. The district court granted LVNV’s motion for summary judgment on Hall’s claim, which Hall appealed.

The Fifth Circuit reviewed a furnisher’s duties under the FCRA, and noted that when a credit reporting agency notifies a furnisher that a consumer disputes information, the furnisher must investigate the dispute, review relevant information, report the result of the investigation to the credit reporting agency, and modify, delete, or block the reporting of any inaccurate, incomplete, or unverifiable information. There was no dispute of material fact as to whether LVNV complied with the FCRA. The undisputed facts showed that when the credit reporting agencies notified LVNV of Hall’s dispute, LVNV investigated the dispute by reviewing its business records and those provided by the credit reporting agencies. LVNV verified that the information it reported was accurate, and timely reported this investigation to the credit reporting agencies. These actions complied with the FCRA. Further, while Hall contended that the FCRA imposed a duty for LVNV to provide documentary support for a debt, the Fifth Circuit noted that there is no such obligation within the FCRA. The Fifth Circuit affirmed the grant of summary judgment to LVNV.

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