



DOUMAR LAW GROUP NEWSLETTER

A Periodic Publication Covering Legal Issues of General Interest

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FCRA and Related Statutes

We just obtained summary judgment for our client, a California-based mortgage lender, in a case in the Eastern District of Virginia in Richmond alleging violations of the Fair Credit Reporting Act. If your business reports someone for a late payment or unpaid amount, the FCRA provides extensive obligations in making such reports.

For cases under this and other statutory claims, such as the Fair Debt Collection Practices Act or the Fair Labor Standards Act, an award of tens of thousands of dollars in attorneys' fees can be made if Plaintiff prevails for even \$1. Plaintiffs' lawyers count on this fact to negotiate settlements, which puts a premium on defendants either settling early if there is liability or prevailing completely to avoid any fee award.

Administrative Proceedings

In administrative proceedings, such as under ERISA or government contracting, the deck is stacked against a claimant or respondent, and there may be little or no opportunity to bring any action or appeal in court. We represented a health care provider whose

privileges had been suspended by a hospital, in an administrative appeal before a hospital committee. The committee's legal advisor was the hospital lawyer who had advised in suspending the provider. No court appeal was available. After a two-day trial into early morning hours, with experts and powerpoint presentations, and post-hearing statements, our client was reinstated, subject to some conditions.

Abstention Issues with Multiple Cases

We just beat back an attempt to dismiss or stay a case in the Eastern District in Alexandria based on a pending case involving related issues in New York. Anticipating such an attack, our complaint carefully addressed different issues, and involved different parties, than the New York action. You cannot litigate the same issues in two different places, but you can litigate different issues in different places.

Don't Sign Before Legal Review

We have several matters now with business people who signed documents without legal review or even reading the documents. This is a high risk strategy.