MISSOURI COURT OF APPEALS
WESTERN DISTRICT

COMPLETE TITLE OF CASE:

REBECCA COURTRIGHT, ET AL.

Appellants

v.

O'REILLY AUTOMOTIVE

Respondent

DOCKET NUMBER WD82684

DATE: March 17, 2020

Appeal From:

Circuit Court of Jackson County, MO
The Honorable John M. Torrence, Judge

Appellate Judges:

Division Two
Cynthia L. Martin, P.J., Thomas H. Newton, and Gary D. Witt, JJ.

Attorneys:

Charles Brown, Gower, MO	Counsel for Appellants
Jayson Watkins, Gower, MO	Co-Counsel for Appellants

Attorneys:

William Martucci, Kansas City, MO	Counsel for Respondent
Kristen Page, Kansas City, MO	Co-Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY

MISSOURI COURT OF APPEALS
WESTERN DISTRICT

REBECCA COURTRIGHT, ET AL., Appellants,
v.
O'REILLY AUTOMOTIVE, Respondent.

WD82684 **Jackson County**

Before Division Two Judges: Martin, P.J., Newton, and Witt, JJ.

Prospective employees, Rebecca Courtright, Anthony Bradley, Raphael Saye, and Juan Estrada, Appellants, brought an action against O'Reilly Automotive Stores, Inc., CSK Auto, Inc., and O'Reilly Auto Enterprises, LLC (collectively, referred to as "O'Reilly"), Respondents, alleging violations of the Fair Credit Reporting Act (FCRA) arising from their revocation of conditional job offers, due to consumer reports, prior to the disclosure of those reports. The case was removed to federal court. The United States District Court, Western District, remanded. On remand, the Jackson County Circuit Court held a hearing and dismissed for lack of standing. Appellants timely appealed.

REVERSED IN PART. AFFIRMED IN PART.

Division Two Holds:

Courtright and Saye assert that these FCRA violations resulted in an "actual injury" because they were denied the opportunity to review and discuss the contents of the consumer report before their terminations. We find, however, because the content of the reports were accurate the ability to work for O'Reilly is purely conjectural and hypothetical. Applying relevant case law to Bradley, whose report was inaccurate, we find an actual injury sufficient to establish standing. Had O'Reilly furnished the background report to Bradley before the adverse action as statutorily required, Bradley would have had the opportunity to dispute the errors before the employment offer revocation. O'Reilly did not furnish the background report to Bradley; instead, it revoked the conditional offer based on inaccurate information, and Bradley had to independently retrieve the background report and correct the issues with the third party. While the false information by itself may not have created statutory damages under FCRA, the false information coupled with the employer's failure to comply with the statute, denied Bradley the opportunity to contest that information before the adverse action. Thus, the procedural violation ripened into a concrete injury.

We find the trial court erred in determining that Bradley did not have standing to present the adverse action claim. We find that the trial court did not err granting summary judgment on all other counts of the second amended complaint for lack of standing. We reverse in part, affirm in part, and remand for further proceedings.

Opinion by: Thomas H. Newton, Judge March 17, 2020

* * * * * * * * * * * * * * * * * *

THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.