

Richard J. Perr, Esquire
rperr@kdvlaw.com

www.kdvlaw.com

June 25, 2021

VIA OVERNIGHT FEDEX

David J. Smith
Clerk of Court
U.S. Court of Appeals for the 11th Circuit
56 Forsyth St., N.W.
Atlanta, GA 30303

RE: Hunstein v. Preferred Collection and Management Services, Inc.
U.S.C.A. 11th Circuit, Case No. 19-14434-HH
Statement of Supplemental Authority Issued by the Supreme Court of the United States

To the Clerk of Court:

Pursuant to Federal Rule of Appellate Procedure 28(j) and 11th Cir. R. 40-5, Appellee, Preferred Collection and Management Services (“Appellee”), advises this Court of pertinent and significant supplemental authority that has come to our attention related to Appellee’s pending Petition for Rehearing and Rehearing En Banc, which was filed with this Court on May 26, 2021.

On June 25, 2021, the Supreme Court of the United States decided *TransUnion, LLC v. Ramirez*, No. 20-297, 594 U.S. ____ (2021). In the opinion, the Court clarified its Article III standing principles, and addressed some of the very issues raised by Appellee’s Petition.

The Supreme Court implicitly recognized that providing information to a letter vendor is not a “publication” and does not cause an injury-in-fact sufficient to provide standing.

In Footnote 6, the Court rejected Plaintiff’s theory that TransUnion “published” the class members information internally to employees within TransUnion **“and to vendors that printed and sent the mailings that the class members received.”** The Court held that American courts “have [not] necessarily recognized **disclosures to printing vendors** as actionable publications. See e.g. *Mack v. Delta Airlines, Inc.*, 639 Fed. Appx. 582, 586 (CA11 2016).”

The Court concluded, “In short, the plaintiffs’ internal publication theory circumvents a fundamental requirement of an ordinary defamation claim—**publication**—and does not bear a sufficiently “close relationship” to the traditional defamation tort to qualify for Article III standing.”

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The opinion of the Supreme Court is controlling and further compels the necessity to grant a rehearing or a rehearing en banc, as Appellee has raised this exact argument in its Petition at pages 7 to 11. Just as the class members in *Ramirez* did not suffer an injury-in-fact from the processing of internal communications, nor has Appellant here.

Respectfully submitted,

/s/ Richard J. Perr
RICHARD J. PERR
Counsel for Appellee

cc: Thomas M. Bonan, Esquire (via email w/enclosure)
Robert A. Vigh, Esquire (via email w/enclosure)