Supreme Court of Ohio Clerk of Court - Filed August 22, 2024 - Case No. 2024-0257

IN THE SUPREME COURT OF OHIO
CASE NO. 2024-0257

SAMUEL VOSS, Plaintiff-Appellee, v. QUICKEN LOANS, LLC and MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., Defendants-Appellants.	: : : : : : : : : : : : :	On Appeal from the Hamilton County Court of Appeals, First Appellate District Court of Appeals Case No. C 2300065

BRIEF OF *AMICI CURIAE* PUBLIC JUSTICE, BERKELEY CENTER FOR CONSUMER LAW AND ECONOMIC JUSTICE, AND NATIONAL CONSUMER LAW CENTER IN SUPPORT OF PLAINTIFF-APPELLEE

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Public Justice is a nonprofit legal advocacy organization that specializes in socially significant civil litigation, with a focus on fighting corporate and governmental misconduct. The organization maintains an Access to Justice Project that pursues litigation to remove procedural obstacles that unduly restrict the ability of workers, consumers, and people whose civil rights have been violated to seek redress in the civil court system. This case is of interest to Public Justice because it raises questions regarding state standing law, which affects the ability of injured consumers to seek remedies through the civil justice system. Public Justice has litigated dozens of cases in federal and state courts fighting for proper interpretation of federal Article III and state-court standing rules.

The **Center for Consumer Law and Economic Justice**, housed at the UC Berkeley School of Law, is the leading law school research and advocacy center dedicated to ensuring safe, equal, and fair access to the marketplace. Through regular participation as *amicus curiae* in the United States Supreme Court, federal Courts of Appeals, and state Supreme Courts, the Center seeks to develop and enhance protections for consumers and to foster economic justice. The Center appears in this proceeding to underscore the importance of maintaining Ohio's constitutional and statutory tradition of broad access to state courts.

Since 1969, the nonprofit **National Consumer Law Center** (NCLC) has worked for consumer justice and economic security for low-income and other disadvantaged people in the U.S. NCLC is committed to preserving access to justice for America's consumers. NCLC's interest in this case arises from its potential to create access-to-justice barriers and unnecessary obstacles to the enforcement of consumer protection laws in Ohio. Based on NCLC's significant experience litigating, advising, and monitoring consumer litigation in state and federal courts, this brief is

respectfully submitted to assist the Court in considering barriers to consumers who seek to vindicate their rights through Ohio's courts.

INTRODUCTION AND SUMMARY OF ARGUMENT

Plaintiff-Appellee Samuel Voss exercised his statutory right to sue Defendants-Appellants Quicken Loans, LLC and Mortgage Electronic Registration Systems, Inc. for violation of Ohio's mortgage recording statute, R.C. 5301.36. Appellants wish to deprive Mr. Voss—and the class of others similarly wronged under the statute—of a mechanism to vindicate his rights. Appellants analogize this case to *TransUnion LLC v. Ramirez*, 594 U.S. 413, 141 S.Ct. 2190, 210 L.Ed.2d 568 (2021), in which the United States Supreme Court narrowed the requirements for standing in federal courts under Article III, Section 2 of the U.S. Constitution, leaving many harmed plaintiffs with state court as the only venue in which to bring their claims. Appellants ask this Court to adopt *TransUnion* here, but doing so would contravene long-standing Ohio precedent holding that federal standing doctrine does not apply in Ohio courts, as the Ohio Constitution does not contain a case or controversy requirement similar to Article III of the U.S. Constitution, and that, unlike under the U.S. Constitution, standing in Ohio can be conferred by statute. That is by design: In the U.S. legal system, state courts have broad general jurisdiction while federal courts have much more limited jurisdiction. Importing federal standards in state court would frustrate the historical purpose behind those differing grants of jurisdiction and leave no remedy for many statutory violations. Finally, adopting Article III standards here would undermine the authority of the General Assembly, upset the separation of powers in Ohio, and deprive Ohioans of access to justice. Accordingly, this Court should reject Appellants' arguments relying on federal standing doctrine and affirm the First Appellate District's application of Ohio law.

ARGUMENT

FIRST PROPOSITION OF LAW: As a matter of Ohio constitutional law and principles of federalism, federal Article III standing doctrine has no place in Ohio state courts.

I. The Ohio Constitution Contains No Standing Requirement Akin to Article III, Section 2 of the United States Constitution.

Standing in Ohio state courts is fundamentally different than standing in federal courts. The U.S. Constitution limits the federal judicial power to "Cases . . . and . . . Controversies." U.S. Constitution, Article III, Section 2. And the U.S. Supreme Court has interpreted Article III to require a plaintiff to show a concrete, particularized injury-in-fact that is fairly traceable to the defendant's actions and redressable by a court in order to have standing to sue in federal court. *State ex rel. Ohio Acad. of Trial Lawyers v. Sheward*, 86 Ohio St.3d 451, 470, 715 N.E.2d 1062 (1999); *see, e.g.*, *TransUnion*, 594 U.S. at 423; *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338, 136 S.Ct. 1540, 194 L.Ed.2d 635 (2016). No analogue to Article III, Section 2 exists in the Ohio Constitution. *James A. Keller, Inc. v. Flaherty*, 74 Ohio App.3d 788, 791, 600 N.E.2d 736 (10th Dist.1991). In *TransUnion*, the Supreme Court narrowed its definition of "concrete" to require that "intangible harms" have a "close relationship to harms traditionally recognized" at common law. 594 U.S. at 425. The Court further reasoned that Congress may not abrogate the "concrete harm" analysis by creating a cause of action by statute. *Id.* at 426. Appellants ask this Court to import the restrictive standard from *TransUnion* and apply it here, where Article III and federal standing doctrine do not apply. Opening Br. at 22–26. There is no basis in Ohio law to do so.

The Ohio Constitution vests in the state's courts the "judicial power" to decide "all justiciable matters," Ohio Constitution, Article IV, Sections 1, 4(B). "A matter is justiciable only if the complaining party has standing to sue." *ProgressOhio.org, Inc. v. JobsOhio*, 139 Ohio St.3d 520, 2014-Ohio-2382, 13 N.E.3d 1101, ¶ 11. But, unlike Article III, the Ohio Constitution contains

no provision restricting the "judicial power" to "Cases" and "Controversies." *See* U.S. Constitution, Article III, Section 2; Ohio Constitution, Article IV; *Spokeo*, 578 U.S. at 337. Because the Ohio Constitution has no counterpart to Article III, Section 2, federal court decisions on standing doctrine "are not binding upon" Ohio courts. *Sheward*, 86 Ohio St.3d at 470, 715 N.E.2d 1062. As this Court has explained, state courts "are free to dispense with the requirement for injury where the public interest so demands." *Id.*; *see Ohio Democratic Party v. LaRose*, 10th Dist. Franklin Nos. 20AP-432, 20AP-439, 2020-Ohio-4778, 159 N.E. 1241, ¶ 14 ("Ohio courts are not bound by federal standing principles derived from Article III of the United States Constitution's 'cases' and 'controversies' requirement."); *Leppla v. Sprintcom, Inc.*, 156 Ohio App.3d 498, 2004-Ohio-1309, 806 N.E.2d 1019, ¶ 30 (2d Dist.) ("Ohio state courts are 'not bound by the federal doctrine of standing[.]'" (quoting *Cincinnati Sch. Dist. v. State Bd. of Ed.*, 113 Ohio App.3d 305, 313, 680 N.E.2d 1061 (10th Dist.1996))).

Even the U.S. Supreme Court has reiterated that "the constraints of Article III do not apply to state courts, and accordingly the state courts are not bound by the limitations of a case or controversy" or required "to adhere to federal standing requirements." *ASARCO Inc. v. Kadish*, 490 U.S. 605, 617, 109 S.Ct. 2037, 104 L.Ed.2d 696 (1989) (explaining this rule applies to state courts "even when they address issues of federal law"); *N.Y. State Club Ass'n, Inc. v. City of New York*, 487 U.S. 1, 8, 108 S.Ct. 2225, 101 L.Ed.2d 1 (1988), fn. 2 ("The States are thus left free as a matter of their own procedural law to determine . . . matters that would not satisfy the more stringent requirement in the federal courts that an actual 'case' or 'controversy' be presented for resolution."); *see also TransUnion*, 594 U.S. at 459, fn. 9 (Thomas, J., dissenting) (opining that "[b]y declaring that federal courts lack jurisdiction, the Court has thus ensured that state courts will exercise exclusive jurisdiction" over claims that do not satisfy the injury-in-fact requirement).

Unbound by federal standing decisions, Ohio courts have recognized that the General Assembly may choose to confer statutory standing in a manner that does *not* require an injury-in-fact showing akin to Article III. In Ohio, plaintiffs may derive standing either from the common law or by a statutory cause of action enacted by the General Assembly. *See Ohioans for Concealed Carry, Inc. v. Columbus*, 164 Ohio St.3d 291, 2020-Ohio-6724, 172 N.E.3d 935, ¶ 12 (noting that in addition to common-law standing, "[s]tanding may also be conferred by statute"); *ProgressOhio.org*, 139 Ohio St.3d 520, 2014-Ohio-2382, 13 N.E.3d 1101, at ¶ 17 (same); *City of Middletown v. Ferguson*, 25 Ohio St.3d 71, 75, 495 N.E.2d 380 (1986) ("[S]tanding may also be conferred by a specific statutory grant of authority."); *City of Wooster v. Enviro-Tank Clean, Inc.*, 9th Dist. Wayne No. 13CA0012, 2015-Ohio-1876, ¶ 12 (similar). The General Assembly's authority has historically included the power to override common-law standing requirements and confer standing absent an injury in fact. *See ProgressOhio.org*, 139 Ohio St.3d 520, 2014-Ohio-2382, 13 N.E.3d 1101, at ¶ 22 (reasoning that a statute may confer standing absent a concrete injury as long as it "clearly express[es] an intention to abrogate the common-law requirements for standing"); *Smith v. Ohio State Univ.*, 10th Dist. Franklin No. 17AP–218, 2017-Ohio-8836, ¶ 13 (same); *see also Cooper v. Hall*, 5 Ohio 320, 322 (1832) ("Upon the commission of an unlawful act, the person injured may have an action[.] . . . The damages may be merely nominal, but inasmuch as the rights of the person . . . have been violated; and this, too, by an unlawful act, his right of action is complete.").

Thus, unlike federal standing law under *TransUnion*, Ohio law does allow the General Assembly to confer statutory standing even where there is no injury-in-fact. Adopting the stringent standing requirements advanced by Appellants here would therefore represent a stark departure

from Ohio law. That departure is unwarranted because current Ohio standing law is consistent with the careful balance between state and federal power in the U.S. judicial system.

II. Adopting Federal Standing Doctrine in State Court Would Blur the Distinction Between Courts of Limited and General Jurisdiction.

As courts of general jurisdiction, *see* Ohio Constitution, Article IV, Section 4, Ohio state courts play a fundamentally different role in the U.S. judicial system than the federal judiciary, which is composed of courts of limited jurisdiction.[1] That state courts have broader jurisdiction than federal courts "properly follows from the allocation of authority in the federal system." *ASARCO*, 490 U.S. at 617 (explaining that a case in state court that would have been dismissed in federal court for lack of Article III standing could proceed because the "state judiciary here chose a different path, as was their right, and took no account of federal standing rules"). Unlike federal courts, state courts of general jurisdiction hold "expansive"[2] power and are presumed to have jurisdiction to adjudicate any dispute that comes before them. *See* 13 Charles Alan Wright, Arthur R. Miller, Edward H. Cooper & Richard D. Freer, *Federal Practice and Procedure*, Section 3522 (3d Ed.2008).[3] For example, while federal courts can hear state law claims only under certain limited circumstances, since the founding, state courts have been able to exercise concurrent

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[1] *See* Robert F. Williams, The Law of American State Constitutions 298–99 (2009) ("State courts occupy different institutional positions and perform different judicial functions from their federal counterparts."); Helen Hershkoff, *State Courts and the "Passive Virtues": Rethinking the Judicial Function*, 114 Harv.L.Rev. 1833, 1886 (2001) (noting that "commentators have recognized that significant institutional differences distinguish many state courts from federal courts").

[2] Hershkoff at 1887 ("State power . . . is plenary and inherent, and the theory of state judicial power is correspondingly expansive."); *see also* 20 Romualdo P. Eclavea & Sonja Larsen, *American Jurisprudence Courts*, Section 66 (2d Ed.2024) ("State courts are invested with general jurisdiction that provides expansive authority to resolve myriad controversies brought before them.").

[3] *See also, e.g.*, James A. Gardner, *The Failed Discourse of State Constitutionalism*, 90 Mich.L.Rev. 761, 808–09 (1992) ("Unlike the federal courts, which are courts of limited jurisdiction, state courts may be courts of general jurisdiction").

jurisdiction over federal claims, absent an express prohibition to the contrary. *See Tafflin v. Levitt*, 493 U.S. 455, 458, 110 S.Ct. 792, 107, L.Ed.2d 887 (1990) (declaring the "axiom" that "state courts have inherent authority, and are thus presumptively competent, to adjudicate claims arising under the laws of the United States"); *Claflin v. Houseman*, 93 U.S. 130, 138–42 (1876) (collecting founding-era cases and other authorities supporting this principle).[4] Given their broad grant of jurisdiction, state courts have presumptive authority to adjudicate any matter that comes before them. *See Galpin v. Page*, 85 U.S. 350, 365–66, 21 L.Ed. 959 (1873) (explaining that "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"); *accord* 13 Wright & Miller, Section 3522 ("Most state courts are courts of general jurisdiction, and the presumption is that they have subject matter jurisdiction over any controversy unless a showing is made to the contrary.").[5]

By contrast, "[i]t is a fundamental precept that federal courts are courts of limited jurisdiction." *Owen Equip. & Erection Co. v. Kroger*, 437 U.S. 365, 374, 98 S.Ct. 239, 657 L.Ed.2d 274 (1978).[6] The outer bounds of their authority are specified by the U.S. Constitution and Congress. *Kokkonen v. Guardian Life Ins. Co. of Am.*, 511 U.S. 375, 377, 114 S.Ct. 1673, 128

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[4] *See also* The Federalist Papers: No. 82 (Alexander 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.").

[5] *See also* Gardner at 809 ("In the absence of limiting constitutional language, the ordinary presumption would be that state courts are constitutionally empowered to hear cases, not that they share a limitation in common with federal courts.").

[6] *Accord* 13 Wright & Miller, Section 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."); 17A James William Moore, *Federal Practice*, Section 120.02 (3d Ed.2008) ("By and large, federal courts are *not* courts of general jurisdiction." (emphasis in original)).

L.Ed.2d 391 (1994); *see Nat'l Fed'n of Indep. Bus. v. Sibelius*, 567 U.S. 519, 533, 132 S.Ct. 2566, 183 L.Ed.2d 450 (2012) ("The Federal Government is acknowledged by all to be one of enumerated powers. . . . The enumeration of powers is also a limitation of powers[.]" (internal quotations and citations omitted)). Federal courts' limited jurisdiction "functions as a restriction on federal power." *Ins. Corp. of Ireland, Ltd. v. Compagnie des Bauxites de Guinee*, 456 U.S. 694, 702, 102 S.Ct. 2099, 72 L.Ed.2d 492 (1982). Accordingly, the presumption regarding jurisdiction of federal courts is the inverse of that for state courts: As a matter of default, a federal court *lacks* jurisdiction, and the plaintiff bears the burden to establish it. *DaimlerChrysler Corp. v. Cuno*, 547 U.S. 332, 342, 126 S.Ct. 1854, 164 L.Ed.2d 589 (2006), fn. 3 ("[W]e presume that federal courts lack jurisdiction unless the contrary appears affirmatively from the record[.]" (internal quotation marks omitted)); *Kokkonen*, 511 U.S. at 377 ("It is to be presumed that a cause of action lies outside this limited jurisdiction[.]").

Thus, the relative leniency of standing requirements in state courts, including Ohio courts, compared to those in federal courts reflects a careful balance between general jurisdiction on the one hand and limited jurisdiction on the other.[7] More stringent standing requirements in federal court ensure that the federal judiciary does not overreach and infringe on the states' police powers, while relaxed standing in state court helps satisfy a foundational purpose of the U.S. judicial system: to ensure that there exists a forum to hear and adjudicate all manner of disputes and to

[7] *See* James W. Doggett, *"Trickle Down" Constitutional Interpretation: Should Federal Limits on Legislative Conferral of Standing Be Imported into State Constitutional Law?*, 108 Colum.L.Rev. 839, 875 (2008) ("[M]any 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 at 809, fn. 202 ("Many states have far more relaxed rules of standing than federal courts due to the unrestricted jurisdiction of state courts."); Williams at 298–99 (finding that barriers to standing are "usually lower at the state level").

provide remedies to redress legal harms.[8] When federal courts, bound by Article III's case and controversy requirement, cannot entertain claims that lack an injury in fact as narrowly defined by the U.S. Supreme Court but that otherwise concern cognizable—and real—harms, state courts provide a forum for those harms to be redressed.[9] But if *TransUnion*'s holding were to apply in state court, no person would be able to recover for an injury—no matter how egregious—that lacks a "close relationship" to a harm that was recognized at common law at the time of the founding. *See TransUnion*, 594 U.S. at 425.

III. Importing Article III Standing Doctrine to Ohio Courts Would Undermine the Intent of the General Assembly, Posing Separation-of-Powers Concerns, and Impair Access to Justice for Ohioans.

Importing *TransUnion*'s restrictive standing requirements to Ohio courts would also undermine statutory protections enacted by the General Assembly. *See Lyons v. Am. Legion Post No. 650 Realty Co.*, 172 Ohio St. 331, 333–34, 175 N.E.2d 733 (1961) ("Ordinarily, it is for the Legislature to determine who may sue or be sued so long as it does not interfere with vested rights, deny any remedy, or transgress constitutional inhibitions. As a general rule, every state has control over the remedies it offers litigants in its courts."). As discussed in Part I, *supra*, the Ohio Constitution contains no Article III-like limitation on standing, and plaintiffs may derive standing through the common law or by Ohio statute. *See Ohioans for Concealed Carry*, 164 Ohio St.3d 291, 2020-Ohio-6724, 172 N.E.3d 935, at ¶ 12. Here, the General Assembly's determination that "the mortgagor of the unrecorded satisfaction and the current owner of the real property to which

[8] *See* Hershkoff at 1940 ("[S]tate courts, because of their differing institutional and normative position, should not 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.").

[9] *See* 13 Wright & Miller, Section 3522 ("A federal court's entertaining a case that is not within its subject matter jurisdiction is no mere technical violation; it is nothing less than an unconstitutional usurpation of state judicial power.").

the mortgage pertains may recover, in a civil action, damages" under R.C. 5301.36(C)(1) reflects a clear intent to confer standing by statute.

Pursuant to its constitutional authority, the Ohio General Assembly enacted R.C. 5301.36(C) not only to provide property owners with an avenue to recover damages for violations of the law but also to enforce compliance with the statute, deter late mortgage satisfaction recording, and ensure the maintenance of accurate, up-to-date property records in Ohio. In other words, the General Assembly decided that a key enforcement mechanism for R.C. 5301.36 would be private lawsuits, and it recognized that allowing property owners to recover statutory damages would encourage enforcement even where damages would be difficult to prove. *See* Sheila B. Scheuerman, *Due Process Forgotten: The Problem of Statutory Damages and Class Actions*, 74 Mo.L.Rev. 103, 111 (2009) (noting that statutory damages "encourage[e] litigation by offsetting disincentives to suit where the alleged wrongdoing involves nominal financial harm").

Before this case, other lawsuits under R.C. 5301.36 have served as a meaningful check on the Ohio mortgage industry. *See, e.g.*, *Radatz v. Fed. Nat'l Mortg. Ass'n*, 145 Ohio St.3d 475, 2016-Ohio-1137, 50 N.E.3d 527, ¶ 18 (holding consent order by federal agency did not divest Ohio court of jurisdiction over class action against Fannie Mae under R.C. 5301.36 and court had jurisdiction to determine whether to award statutory damages during Fannie Mae conservatorship); *Rosette v. Countrywide Home Loans, Inc.*, 105 Ohio St.3d 296, 2005-Ohio-1736, 825 N.E.2d 599, ¶¶ 16, 17 (concluding six-year statute of limitations, not shorter one-year period, governed class action under R.C. 5301.36 and reversing dismissal); *Pinchot v. Charter One Bank, F.S.B.*, 99 Ohio St.3d 390, 2003-Ohio-4122, 792 N.E.2d 1105, ¶ 60 (holding federal banking regulation did not preclude or preempt class recovery under R.C. 5301.36); *In re Consol. Mortg. Satisfaction Cases*, 97 Ohio St.3d 465, 2002-Ohio-6720, 780 N.E.2d 556, ¶ 19 (reinstating class certification in class

action alleging violations of R.C. 5301.36). The holding of the First Appellate District in this case follows that tradition.

Adoption of an injury-in-fact standing requirement in Ohio courts would prevent enforcement of R.C. 5301.36 and other statutory protections for Ohioans that the General Assembly has chosen private litigation to enforce. Plaintiffs who are both deprived of a forum in Ohio state courts and foreclosed from bringing their claims in federal court under Article III would then have no available forum to vindicate their rights. *See* William J. Brennan, Jr., *State Constitutions and the Protection of Individual Rights*, 90 Harv.L.Rev. 489, 501 (1977) ("[S]tate courts that rest their decisions wholly or even partly on state law need not apply federal principles of standing and justiciability that deny litigants access to the courts."). Such a rule would leave innumerable statutes enacted by the Ohio General Assembly largely unenforceable.[10] This case illustrates that danger: Because Mr. Voss lacks Article III standing, *Voss v. Quicken Loans LLC*, S.D.Ohio No. 1:20-CV-756, 2021 WL 3810384, at *6 (Aug. 26, 2021), reversal of the First District's decision would mean property owners and mortgage holders would have no recourse for Appellants' violation of R.C. 5301.36, allowing Appellants to violate the statute with impunity.

In addition to undermining the role of the Ohio courts in ensuring an available forum for redress, adopting Article III standing requirements in state court would pose separation-of-powers concerns by undercutting the General Assembly's authority to freely legislate as conferred by the Ohio Constitution. *See generally* Ohio Constitution, Article II. Since the founding, state legislatures have enjoyed the authority to create new causes of action by statute. Anthony J. Bellia

[10] *See also* Erwin Chemerinsky, *What's Standing After* TransUnion LLC v. Ramirez, 96 N.Y.U.L.Rev. Online 269, 283–86 (2021) (noting "[i]t is hard to overstate how dramatic [*TransUnion*] could be in limiting the ability to sue under federal laws" and considering the implications of the decision to various federal civil rights, consumer protection, and workplace statutes).

Jr. & Bradford R. Clark, *The Original Source of the Cause of Action in Federal Courts: The Example of the Alien Tort Statute*, 101 Va.L.Rev. 609, 635–36 (2015) (noting recognition of both common-law and statutory standing at the founding and in English courts). In line with this tradition, and as discussed in Part I, *supra*, this Court has consistently recognized the authority of the Ohio General Assembly to confer statutory standing without requiring an injury-in-fact. *See Ohioans for Concealed Carry*, 164 Ohio St.3d 291, 2020-Ohio-6724, 172 N.E.3d 935, at ¶ 12; *ProgressOhio.org*, 139 Ohio St.3d 520, 2014-Ohio-2382, 13 N.E.3d 1101, at ¶ 17; *Middletown*, 25 Ohio St.3d at 75, 495 N.E.2d 380; *Wooster*, No. 13CA0012, 2015-Ohio-1876, at ¶ 12. Importing an injury-in-fact requirement to Ohio statutory standing schemes would, thus, frustrate the separation of powers by impairing the General Assembly's ability to govern according to its constitutional dictates. *See* William A. Fletcher, *The Structure of Standing*, 98 Yale L.J. 221, 233 (1988) ("Where standing to enforce statutorily established duties is at issue, an 'injury in fact' requirement operates as a limitation on the power normally exercised by a legislative body.").

CONCLUSION

For the foregoing reasons, *amici curiae* respectfully request that this Court affirm the decision of the First Appellate District.

Dated: August 22, 2024

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I hereby certify that a copy of the foregoing Brief of Amici Curiae Public Justice, Berkeley Center for Consumer Law and Economic Justice, and National Consumer Law Center was served on August 22, 2024, by email on the following:

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