

HELPFUL NINTH CIRCUIT DECISION ON HARM STANDING REQUIREMENT UNDER CALIFORNIA'S UCL

Tuesday, March 10, 2009 at 07:28PM

Here's another helpful federal court decision for defending against a purported UCL class action, where there is no harmed plaintiff.

The Ninth Circuit recently issued a pro-defense opinion requiring a plaintiff who brings a claim under California's Unfair Competition Act (Cal. Bus. & Prof. Code Sections 17200, et seq.) ("UCL") for various statutory violations to allege facts showing "injury in fact" and "lost money or property." The opinion, entitled Walker v. Geico General Insurance (9th Cir., Mar 10, 2009), can be found [here](#).

In Walker, auto body repair shop sued insurer for "violations of various California statutes in connection with volume discount agreements the insurers had with other automotive body repair shops ("direct repair providers") and use of "negotiated prices in price surveys."

In addition to confirming the dismissal of claims under the UCL, the Ninth Circuit also held that claim for unjust enrichment could not stand because defendants "had no money or property that belong[ed]" to the plaintiff. The Ninth Circuit also confirmed the dismissal of a Cartwright Act claim brought in that case.

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