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Wis. Oneida Tribe Hit With Class Action Over Card Receipts

By **Andrew Westney**

Law360, New York (April 14, 2015, 8:04 PM ET) -- The Oneida Tribe of Indians of Wisconsin was hit with a proposed class action in Wisconsin federal court Tuesday alleging the tribe failed to shorten credit and debit card numbers and omit expiration dates on receipts it provided customers of its retail convenience stores.

Wisconsin resident Jeremy Meyers claimed the Oneida Tribe printed more than the last five digits of his credit card number and the card's expiration date on receipts he received for transactions at three tribe-owned retail stores in the state, in violation of the Fair and Accurate Credit Transactions Act.

By violating the law, the tribe "failed to protect plaintiff, and others similarly situated, against identity theft and credit card and debit card fraud," according to the complaint.

FACTA, passed in 2003 as an amendment to the Fair Credit Reporting Act, gave merchants who accept credit or debit cards three years to comply with its requirements, including a prohibition on printing expiration dates or more than the last five digits of a card number on customer receipts, according to the complaint.

The Oneida tribe and its businesses are subject to FACTA as a statute of general applicability that doesn't interfere with tribal governance or the rights granted to the tribe in treaties, the complaint said.

In February, Meyers visited three retail stores owned and operated by the Oneida, two located in Green Bay and one in Pulaski, the complaint said. On each visit, he received a computer-generated receipt showing more than five digits of his credit card number and the expiration date of the card — information that could be used to replicate the entire card number, according to the complaint.

The tribe was aware of FACTA's truncation requirement, having been informed of its existence by its credit card and debit card processor as well as Visa, MasterCard, Discover and American Express, but continued to violate it, according to the complaint.

Meyers seeks to represent a class of all those who were given an electronically printed receipt that violated FACTA by the tribe or an affiliate for a transaction in the U.S. since June 3, 2008.

The complaint seeks statutory damages of \$100 to \$1,000 for each violation of the law, along with attorneys' fees and costs.

Representatives for the parties were not immediately available for comment late Tuesday.

Meyers is represented by Shpetim Ademi, John D. Blythin and Mark A. Eldridge of Ademi & O'Reilly LLP and Thomas A. Zimmerman Jr. and Adam M. Tamburelli of Zimmerman Law Offices PC.

Counsel information for the Oneida Tribe was not immediately available late Tuesday.

The case is Meyers v. Oneida Tribe of Indians of Wisconsin, case number 1:15-cv-00445, in the U.S. District Court for the Eastern District of Wisconsin.

--Editing by Chris Yates.

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