

Macy's, Foot Locker Sued For Collecting Customer Info

By **Jessica Corso**

Law360, New York (July 29, 2014, 4:15 PM ET) -- A putative class of California consumers hit Macy's Inc. and Foot Locker Inc. with separate suits in federal court on Monday alleging that their personal information was illegally collected at in-store checkouts.

According to the complaints, customers using credit cards to purchase merchandise at Macy's and Foot Locker stores were asked to hand over personal information such as telephone numbers and identification cards in order to complete their transactions.

"It is, and was, defendant's routine business practice to intentionally engage in the conduct described in this cause of action with respect to every person who, while using a credit card, purchases and [sic] product from any of defendant's stores in the state of California," the complaints state.

These policies are in violation of California's Song-Beverly Credit Card Act of 1971, which prohibits corporations from requesting such information from credit card users, the single-count complaints allege.

The lead plaintiffs seek to represent a class of California consumers who in the past year were subject to such requests. They say that they expect damages in each suit to top \$5 million.

The lead plaintiff in the suit against Foot Locker, Joubin Mortezapour, says he was purchasing a pair of shoes from the retailer in a Canoga Park store when an employee requested his telephone number before running his credit card.

In the case against Macy's, lead plaintiff Justin Maghen claims both his phone number and ID card were requested and that the employee at one point walked away from him with his ID and credit card in hand.

Both plaintiffs allege that they believed the information was necessary to complete the transaction and that they were not informed of the consequences of not providing the information requested.

The complaints go on to allege that the retailers had a uniform policy in place requiring employees to request such information.

According to the suits, the defendants match the personal information given with the credit card numbers in order to collect additional personal information that is "of potentially great benefit to defendant."

Foot Locker representatives were not immediately available for comment on Tuesday. A representative for Macy's declined to comment.

When reached for comment on Tuesday, plaintiffs' attorney Abbas Kazerounian said he had nothing substantial to add beyond the allegations in the suits.

Plaintiffs in both suits are represented by Abbas Kazerounian of Kazerouni Law Group APC, Joshua B. Swigart of Hyde & Swigart and Sina Rezvanpour of RKR Legal.

Information on defendants' counsel was not immediately available on Tuesday.

The cases are Maghen v. Macy's Corporate Services Inc., case number 2:14-cv-05874, and Morteza pour v. Foot Locker Retail Inc., case number 2:14-cv-05868, both in the U.S. District Court for the Central District of California.

--Editing by Philip Shea.

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