

IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
TEXARKANA DIVISION

LINDA HANEY, et al.

PLAINTIFFS

V.

CASE NO. 10-CV-4003

THE RECALL CENTER

DEFENDANT

ORDER

Before the Court is the Report and Recommendation filed December 6, 2010, by the Honorable Barry A. Bryant, United States Magistrate Judge for the Western District of Arkansas. (ECF No. 19). Judge Bryant recommends that Defendant's Motion to Dismiss (ECF No. 10) be denied. Defendants have responded with timely objections. (ECF No. 20) Plaintiffs have filed a response to Defendant's objections. (Doc. 21). After reviewing the record de novo, the Court adopts Judge Bryant's Report and Recommendation as its own.

Defendant objects to Judge Bryant's finding that Plaintiffs allege a cause of action pursuant to the Driver's Privacy Protection Act, 18 U.S.C. § 2721 *et seq.* ("DPPA") and that the complaint provides Defendant with sufficient facts to demonstrate the plausibility of their claims. The DPPA makes it unlawful for a person to knowingly obtain or disclose personal information from a motor vehicle record for any use not permitted under the Act and also states that a person who knowingly obtains, discloses, or uses such information for a purpose not permitted under the statutory chapter shall be liable to the individual to whom the information pertains. 18 U.S.C. § 2721-2721. Here, Plaintiffs allege that Defendants knowingly obtained the DPPA protected personal information from the State of Arkansas in violation of the DPPA and that the obtainment and use was not for a purpose enumerated in 18 U.S.C. § 2721(b). The Court agrees with Judge Bryant's finding that Plaintiffs have pled enough facts to state a claim for relief that is plausible on its face. *See Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007). Thus, Defendant's objection is overruled.

The Court has conducted the required de novo review of the portions of the Report and Recommendation to which Defendant objected. The Court is satisfied that Judge Bryant's recommended disposition is correct and should be adopted. Accordingly, the Report and Recommendation (ECF No. 19) is adopted and Defendant's Motion to Dismiss (ECF No. 10) is **DENIED**.

IT IS SO ORDERED, this 18th day of March, 2011.

/s/ Harry F. Barnes
Hon. Harry F. Barnes
United States District Judge