

IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

APPELLATE DIVISION (CIVIL): AY  
CASE NO.: 502015AP000085CAXXMB  
L.T. No.: 502015SC006534XXXXNB

MARK ARZOUMANIAN  
Appellants,

v.

FORD MOTOR CREDIT CO., LLC  
Appellee.

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Opinion filed: **AUG 2 2016**

Appeal from the County Court in and for Palm Beach County,  
Judge Laura Johnson.

For Appellant: Mark Arzoumanian  
PO Box 30064  
Palm Beach Gardens, FL 33420

For Appellee: Thomas A. Valdez, Esq.  
1410 N. Westshore Blvd. – Suite 200  
Tampa, FL 33607  
tvaldez@qpwbllaw.com

Robert Cousins, Esq.  
One East Broward Boulevard – Suite 1400  
Fort Lauderdale, FL 33301  
rcousins.pleadings@qpwbllaw.com

PER CURIAM.

Plaintiff/Appellant, Mark Arzoumanian, filed suit against Defendant/Appellee Ford Motor Credit Company for negligently reporting his credit information. Defendant successfully moved to dismiss the claim as preempted by the Fair Credit Reporting Act (FCRA). Plaintiff appeals the dismissal and raises several issues. We agree that trial court properly dismissed the negligence claim as preempted. *See Grimsley v. Moody, Jones, Ignio & Morehead, P.A.*, 126 So. 3d 1233, 1234 (Fla. 4th DCA 2012). In dismissing the claim, however, the trial court also ruled that “Plaintiff retains the right to file a Complaint in Federal Court setting forth a legally cognizable cause of action pursuant to the Fair Credit Reporting Act.” This portion of the order must be reversed. The FCRA states: “an action to enforce any liability created under this subchapter may be brought in any appropriate United States district court, without regard to the amount in controversy, or in **any other court of competent jurisdiction.**” 15 U.S.C.A. §1681p (1997) (emphasis added). The county court is a state court of competent jurisdiction, therefore it has concurrent jurisdiction with the federal courts to hear FCRA claims.

Accordingly, we **AFFIRM** the dismissal of Plaintiff’s claim, but **REVERSE** to the extent that the trial court directed Plaintiff to file his claim in federal court, and **REMAND** with directions to allow Plaintiff the opportunity to file an amended complaint alleging a claim under the FCRA.

BLANC, CARACUZZO, and OFTEDAL, JJ., concur.

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MARK ARZOUMANIAN,  
Appellant(s),

Opinion/Decision filed: **AUG 2 2016**

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Appeal from the County Court in and for  
Palm Beach County; Judge Laura Johnson

FORD MOTOR CREDIT CO., LLC  
Appellee(s).

Date of Appeal: November 30, 2015

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DATE OF PANEL: JUNE 21, 2016

PANEL JUDGES: BLANC, CARACUZZO, OFTEDAL

AFFIRMED/REVERSED/OTHER: AFFIRMED IN PART, REVERSED IN PART

PER CURIAM OPINION/DECISION BY: PER CURIAM

DATE: CONCURRING:	)	DISSENTING:	)	CONCURRING SPECIALLY:	)
	)	With/Without Opinion	)	With/Without Opinion	)
<u>Dep M</u> <u>7/27/16</u>	)		)		)
J.	)	J.	)	J.	)
<u>Cheryl Caracuzzo</u> <u>7/29/16</u>	)		)		)
J.	)	J.	)	J.	)
<u>RT</u> <u>8/2/16</u>	)		)		)
J.	)	J.	)	J.	)