

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CONSUMER DATA INDUSTRY ASSOCIATION,

Plaintiff,

vs.

CIV 10-458 MCA/WDS

**GARY K. KING, in His Official Capacity as
Attorney General for the State of New Mexico,**

Defendant.

ORDER

WHEREAS on May 13, 2010, Plaintiff filed a complaint in the above-entitled matter seeking declaratory and injunctive relief against Defendant on the ground, *inter alia*, that subsections 3(D) and (E) of the Fair Credit Reporting and Identity Security Act (“FCRISA”), codified at N.M. Stat. Ann. §§ 56-3A-3.1(D) and (E) and signed into law on March 8, 2010, are preempted under 15 U.S.C. §§ 1681t(a) and (b) of the Fair Credit Reporting Act (“FCRA”) and are therefore unenforceable;

and WHEREAS the parties have entered into a stipulation [Doc. No. 63] waiving further proceedings before the Court and agreeing that the Court may issue a final order as set forth herein;

NOW, THEREFORE, IT IS HEREBY ORDERED:


1. The Court finds and declares that subsections 3(D) and (E) of the Fair Credit Reporting and Identity Security Act, codified at N.M. Stat. Ann. §§ 56-3A-3.1(D) and (E), are preempted in their entirety under 15 U.S.C. §§ 1681t(a) and (b), and are not enforceable, directly

or indirectly, by Defendant;

2. Each party shall bear its own attorneys' fees and costs incurred herein; and

3. This Order shall constitute the final order of the Court in the above-entitled matter and shall finally dispose of and determine all claims herein.

Dated this 30th day of July, 2012.


M. CHRISTINA ARMIJO
UNITED STATES DISTRICT JUDGE

Respectfully submitted,

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