



# TCPA Litigation & Compliance

Companies and their principals continue to be at risk from being sued under the Telephone Consumer Protection Act (TCPA), which places onerous restrictions on communications via cellular telephone, text, landline, and fax. Violation of the TCPA carries the potential for massive statutory penalties in class action lawsuits brought by consumers, as well as state attorneys general and the Federal Communications Commission (FCC).

## What Sets Us Apart

### **Understanding Your Legal Demands and Business Needs.**

Timely and effective communication with consumers and constituents is a key element of success for nearly every business and organization in today's economy. But the hidden costs of modern technology can be devastating if the regulations that govern the use of mass communications are not carefully followed. Hundreds of TCPA lawsuits are filed every month by the plaintiffs' bar, which continue to exploit the TCPA's massive statutory damages provision and lack of aggregate limits. We understand that most businesses and organizations are simply trying to keep up with the TCPA's ever-shifting compliance landscape and know how to help them do so quickly and cost-efficiently.

**Industry Know-How.** It is essential to have the proactive counsel of a multidisciplinary team on your side. We have experience in a myriad of industries, including retail, political campaigns, food service, grocery and convenience stores, shipping and logistics, data analytics, health care and pharmaceutical, travel, hospitality and entertainment, consumer financial, and legal and professional services, among others.

**Innovative Delivery.** Our class action attorneys defend industry clients and their principals nationally against putative class and single-plaintiff TCPA actions involving text messages (including P2P messaging platforms), autodialed, artificial voice and prerecorded calls, ringless voicemail and faxes. We have a proven track record of quickly digging into the facts to create a comprehensive

defense strategy to successfully defeat or resolve these matters. We employ technology, including artificial intelligence, to effectively manage and analyze the pertinent data to further viable defenses and narrow exposure. Our innovative approach is discussed further in the "Our Experience" section.

**Commitment to Excellence.** We are strategic, fast-acting litigators who argue effectively and persuasively. We understand the need to achieve results in the most practical and effective manner possible. Seyfarth continues to make a significant investment in our advanced delivery platforms that enables us to achieve litigation efficiencies for our clients. We also have broad experience working with litigation support personnel, both inside and outside the firm, in order to streamline the litigation process and make the most effective use of resources.

## Our Services

**Best-in-Class Litigation and Trusted Advice.** We offer a full range of legal services that cover all facets of TCPA compliance and litigation, including the following:

- Defense of high-stakes putative class actions and single-plaintiff lawsuits, including those involving allegations of personal liability
- Compliance counseling and audits
- Third party due diligence and contract review
- Preparation of applicable agreements and policies

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***Our attorneys regularly speak and publish on developments in TCPA and also counsel clients on regulatory compliance and litigation avoidance strategies. Visit Seyfarth's Consumer Class Defense Blog ([www.consumerclassdefense.com](http://www.consumerclassdefense.com)), which provides perspectives and timely developments on TCPA litigation and regulatory activity.***

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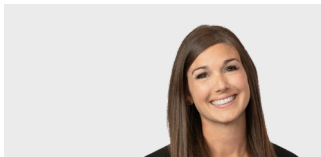
## Our Experience

We have extensive experience representing clients in federal courts across the nation, including the First Circuit — Massachusetts, Third Circuit — New Jersey, Fourth Circuit — Maryland, West Virginia, Sixth Circuit — Ohio, Seventh Circuit — Illinois, Indiana, Wisconsin, Eighth Circuit — Missouri, Arkansas, Ninth Circuit — Arizona, California, Nevada, Washington, Eleventh Circuit — Florida. Our representative matters include:

- Obtained involuntary dismissal of putative class action against multinational delivery services company which allegedly sent unauthorized text message delivery notifications to package recipients throughout the United States after presenting consent defense at the pleadings stage.
- Defended national grocery delivery service from putative class action alleging that there was no consent to send text messages advertising new services. Secured several key discovery rulings which allowed the case to be settled for a fraction of what plaintiff originally sought.
- Defended multinational professional services and data analytics company from putative class action involving alleged fax-blasting and the potential for over \$1 billion in statutory damages. The matter was settled favorably at the class certification stage.
- Defended national grocery chain in a putative class action alleging that there was no consent to send text messages advertising sales at regional stores. Obtained a voluntary dismissal of plaintiff's claims after filing a substantive motion to dismiss.
- Represented one of the most successful brands in full-service dining in putative class action brought under the TCPA related to the sending of alleged facsimile advertising. Motion for summary judgment was granted in favor of Defendant.
- Defended online retailer from putative class action alleging post-revocation debt collection calls to customers. The matter was settled favorably prior to class certification.
- Convinced plaintiff's counsel to voluntarily dismiss single-plaintiff action against financing arm of retailer after proving that the debt was sold prior to the plaintiff's alleged revocation of consent.
- Obtained ruling that the established business relationship defense was available to multinational travel company and prevailed on plaintiff's claims during a jury trial.
- Obtained dismissal for nationwide retailer in case involving alleged mass text campaign during COVID-19.
- Obtained dismissal for international advocacy organization in case involving alleged mass text campaign during elections.

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## Key Contacts



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