



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. Violations of the TCPA carry 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. However, the hidden costs of modern technology can be devastating if 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, fitness, 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, autodialed, artificial voice and prerecorded calls, ringless voicemail and faxes. We regularly litigate a number of TCPA and mini-TCPA issues including allegations related to state and National DNC lists and opt-out requests, quiet hours, and reassigned numbers. 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, arbitrations, and single-plaintiff lawsuits asserting claims under the TCPA and various state mini-TCPAs
- Compliance counseling and audits
- Third party due diligence and contract review
- Work with vendors and service platforms to ensure adequate record maintenance
- Compliance counseling regarding state's mini-TCPA requirements
- Responses to government inquiries related to state mini-TCPA compliance
- Review and preparation of applicable agreements and policies

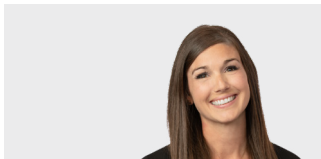
Our attorneys regularly speak and publish on developments in TCPA and also counsel clients on regulatory compliance and litigation avoidance strategies. Visit Seyfarth's Consumer Class Defense Blog (www.consumerclassdefense.com), which provides perspectives and timely developments on TCPA litigation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

Our Experience

We have extensive experience representing clients in federal and state courts across the nation, including:

- 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.
- Obtained dismissal for nationwide retailer in case involving alleged mass text campaign during COVID-19.
- Defended University in TCPA and FTSA matter involving allegations of failure to adhere to opt-out request.
- Defended retailer in arbitration involving allegations that defendant violated the Virginia mini-TCPA. The matter was resolved favorably following discovery.
- 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. A motion for summary judgment was granted in favor of the defendant.
- Defended well known fitness brand in multiple TCPA lawsuits involving allegations of DNC violations and failure to adhere to opt-out request. Motions to dismiss related to personal jurisdiction were granted.
- Convinced plaintiff's counsel to voluntarily dismiss TCPA class action based on a theory of vicarious liability.
- Defended online retailer in TCPA and FTSA class action involving DNC claims. Negotiated favorable individual settlement.
- Defended multiple clients in class actions alleging violation of the TPCA's quiet hours. Reached nuisance value individual settlements.

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