March 31, 2022

Court Rules that Platform Provider Not Proper Defendant in TCPA Class Action

On March 31, Day Pitney attorneys Mark Romance and Andrew Ingalls won a significant class action lawsuit filed in the Northern District of California for Mojo Dialing Solutions, LLC. Plaintiffs sought to hold Mojo, a lead generation and dialing platform provider, liable for calls and messages allegedly delivered by its independent realtor customers in violation of the Telephone Consumer Protection Act (TCPA). The lawsuit sought over $250 million in damages for more than 150,000 potential class members. After more than two years of litigation, Romance and Ingalls secured an order denying Plaintiffs' Motion for Class Certification, thus lowering Mojo's potential exposure to a single claim valued under $10,000. Within days of the order denying class action status, the individual plaintiff voluntarily dismissed all claims against Mojo. This ruling has industry-wide impact based on the Court finding that users of the Mojo dialing platform utilize the system differently, thus requiring an individualized review that negates class-wide treatment of claims.

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