TCPA Quick Hitter: Ringless Voicemail
User Denied Early Appellate Bid in Eleventh Circuit

As we repeated not long ago, the Court in Gurzi v. Penn Credit, Corp., Case No: 6:19-cv-823-Orl-31EJK, 2020 U.S. Dist. LEXIS 107402 (M.D. Fl. June 18, 2020) rejected a defendant’s new super-charged arguments in defense of ringless voicemail.

On Thursday that same court issued a ruling forbidding the Defendant from taking the issue to the Eleventh Circuit on an interlocutory appeal. The Court found the issue of whether ringless voicemails were subject to the TCPA to be so clear cut that there is no “substantial” grounds for a difference of opinion on the subject. In the Court’s mind leaving a pre-recorded voicemail plainly triggers the TCPA. No appeal needed to decide the issue.

While it may seem strange that a court would refuse to allow a defendant to take an appeal of a critical—and very unclear—TCPA issue, we’ve all seen this sort of thing before. Remember when the Bad Reyes court refused to allow an interlocutory appeal of the ATDS issue after determining that predictive dialers were subject to the TCPA? The bad Reyes court likewise found there was no substantial basis for a difference of opinion on the mater—before the Eleventh Circuit Court of Appeal decided Glasser, resulting in a prompt dismissal of bad Reyes.
That’s TCPAWorld for you folks.

Regardless, this latest ruling in Gurzi is sure to leave ringless voicemail users with a ringing in their ears. Its not going well folks.

We’ll keep an eye on this.

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