OH THE IRONY: Company That Helps Consumers Bring TCPA Suits Just Helped Stop TCPA Suits (And I Missed It At First)

I’m a guy who specializes in nuance and subtlety. This is true with respect to the esoteric issues in a fast-moving area of law, in the subtle facial or voice fluctuations that suggest a witness is being dishonest and—most of all—in appreciating and admiring the metaphysics behind coincidence.

As such, I consider irony the most delightful of stews.

Here’s some irony for you.

A company that helps consumers bring robolawsuits against companies that call their consumers just won a very meaningful victory narrowing the TCPA.

So backing up, you might remember I did a secret show a while back where I talked about push button legal demands that an app was providing.

Well apparently the company behind the app—donotpay—was itself sued in a lawsuit brought by the Hiraldo brothers and company alleging that it was violating the TCPA
by sending text messages using an ATDS without consent.

So a company that helps people bring TCPA suits was sued in a TCPA suit. And defended itself by arguing that only random-fire dialers are subject to the TCPA.

Even more oddly—at least to me—PACE (an organization that supports outreach efforts) actually submitted an amicus brief supporting DoNotPay, a company that (as far as I can tell) helps consumers sue its members.

I mean, that’s just bizarre. (Michele—am I missing something here?)

Anyway, the resulting opinion was *Hufnus*, which is a big win for TCPA Defendants—again it holds *that FN7 is limited to circumstances in which dialers call from a randomly-produced list.*

The irony was, ironically, lost on me until DoNotPay reached out to me and asked to have me backlink to their site. Which I did, but which also refreshed me as to who these folks actually are—a group that facilitates the very lawsuits they just defeated.

So this is all very fascinating to me. Hope you enjoyed as well.

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