

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

<b>In the Matter of</b>	)	
	)	
<b>Rules and Regulations Implementing the</b>	)	<b>CG Docket No. 02-278</b>
<b>Telephone Consumer Protection Act of 1991</b>	)	
	)	
<b>Targeting and Eliminating Unlawful</b>	)	<b>CG Docket No. 21-402</b>
<b>Text Messages</b>	)	
	)	

**PETITION FOR DECLARATORY RULING AND/OR WAIVER  
OF THE ECOMMERCE INNOVATION ALLIANCE AND OTHER PETITIONERS**

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## EXECUTIVE SUMMARY

The Ecommerce Innovation Alliance (“EIA”) and other petitioners urge the Federal Communications Commission (“FCC” or “Commission”) to take decisive action against an alarming surge in frivolous litigation exploiting the Telephone Consumer Protection Act (“TCPA”). This petition seeks a declaratory ruling to confirm that individuals who provide prior express written consent to receive text messages cannot claim damages under the TCPA for messages received outside the hours of 8 a.m. to 9 p.m. Additionally, Petitioners request clarification or waiver of 47 C.F.R. § 64.1200(c)(1) regarding telephone solicitations sent to wireless devices without prior express written consent. The Commission has never addressed how a business can know the “called party’s location” when messages are delivered to a mobile phone subscriber. Thus, Commission rules currently impose an unworkable standard that warrants waiver or, at a minimum, clarification that reliance on the NPA-NXX is *per se* compliant.

The TCPA, while intended to shield consumers from unwanted calls and texts, has become a weapon for opportunistic litigators. For example, a singular law firm based in south Florida, through aggressive social media campaigns, actively recruits plaintiffs to file TCPA lawsuits based on a misapplication of the law. They lure individuals with promises of money and false claims that all messages delivered during Quiet Hours are “illegal texts” and boast about recovering "millions of dollars" under the TCPA. Since November, two junior attorneys from this firm have inundated federal courts with 100 such cases. This practice preys on law-abiding businesses forcing them to settle or incur significant resources of time and money to contest claims that are legally unsupportable. Abuse of the TCPA also creates consumer misunderstanding that diverts the TCPA from its intended purpose.

The FCC has previously clarified that calls made with prior permission do not constitute "telephone solicitations" under the TCPA. Accordingly, Petitioners ask the Commission to reaffirm that the "Quiet Hours" provision, prohibiting telephone solicitations between 9 p.m. and 8 a.m., is inapplicable if prior consent has been granted. The Commission should further reiterate that once a consumer has provided consent to receive such messages, if they are disturbed by the time of day those messages are delivered, the sole remedy provided by the TCPA is to revoke consent.

Furthermore, Petitioners ask the Commission to address the challenge posed by its current rule requiring callers without prior written consent to know the recipient's location to avoid calling outside permitted hours. The FCC's recent efforts to protect consumer privacy by restricting access to location data negates businesses' ability to comply with the Quiet Hours provision. Therefore, the Commission should either waive 47 C.F.R. § 64.1200(c)(1) for telephone solicitations to wireless phones or, in the alternative, create a non-rebuttable presumption that a wireless phone's NPA-NXX is the called party's location for purposes of the rule.

Granting this petition would not only curb abusive TCPA litigation but also protect legitimate businesses from undue legal burdens. This would allow companies to redirect resources towards innovation, job creation, and better services for consumers. The FCC has a critical opportunity to restore balance to the TCPA, ensuring consumer protection while safeguarding businesses from frivolous lawsuits.

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**PETITION FOR EXPEDITED DECLARATORY RULING AND/OR WAIVER  
OF THE ECOMMERCE INNOVATION ALLIANCE AND OTHER PETITIONERS**

Pursuant to Section 1.2 of the Federal Communications Commission’s (“FCC” or “Commission”) rules,<sup>1</sup> the Ecommerce Innovation Alliance (“EIA”), Sand Cloud Holdings, LLC, Spyder Lifestyle Strategies, Inc. d/b/a Grondyke Soap Company, ModWash, LLC, and The Power of Pure, LLC (collectively, “Petitioners”) hereby requests that the FCC issue a declaratory ruling confirming that a person who provides their prior express consent to receive text messages has no claim under the Telephone Consumer Protection Act (“TCPA”) if those messages are delivered to them outside of the hours of 8 a.m. to 9 p.m. (the “Quiet Hours”) at whatever location they may happen to be located when the message is delivered. Further, pursuant to Sections 1.2 and 1.3 the Commission’s rules,<sup>2</sup> Petitioners ask the Commission to either waive or clarify 47 C.F.R. § 64.1200(c)(1) as applied to a telephone solicitation delivered to a wireless telephone number.

Petitioner, EIA, is a nonprofit trade association formed in 2023 that brings the ecommerce industry together to advocate for common sense policies that strengthen the ecommerce ecosystem while protecting consumer privacy, and which advocates for reforms to correct unintended consequences caused by laws and regulations. Other Petitioners are businesses that have been

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<sup>1</sup> 47 C.F.R. § 1.2.

<sup>2</sup> *Id.*; 47 C.F.R. § 1.3.

directly or indirectly impacted by litigation erroneously seeking recovery under the TCPA for text messages delivered to consumers outside of Quiet Hours.

## **I. BACKGROUND AND INTRODUCTION**

Petitioners share Chairman Carr’s desire to continue to “[c]rack down on illegal robocalls” and applaud his commitment to make it a “top priority at the FCC” during his tenure as Chair.<sup>3</sup> Ensuring that bad actors are deterred from using robocalls and robotexts to engage in unauthorized, fraudulent, or deceitful communications with consumers is precisely what the TCPA was intended to prevent and law-abiding companies, like Petitioners, are indirectly harmed when bad actors evade the TCPA and the Commission’s regulations thereby undermining consumer confidence.

For well over a decade, however, members of this Commission have also recognized that the TCPA’s unique combination of strict liability, statutory damages, and private right of action make it ripe for lawsuit abuse. For example, then-Commissioner Ajit Pai had this to say in a 2015 dissenting statement:

The TCPA’s private right of action and \$500 statutory penalty could incentivize plaintiffs to go after the illegal telemarketers, the over-the-phone scam artists, and the foreign fraudsters. But trial lawyers have found legitimate, domestic businesses a much more profitable target. As Adonis Hoffman, known to many around here, disclosed earlier this week in *The Wall Street Journal*, a trial lawyer can collect about \$ 2.4 million per suit by targeting American companies. So it’s no surprise the TCPA has become the poster child for lawsuit abuse, with the number of TCPA cases filed each year skyrocketing from 14 in 2008 to 1,908 in the first nine months of 2014.<sup>4</sup>

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<sup>3</sup> FCC, *First Commission-Level Vote Under Chair Carr Proposes a Nearly \$4.5 Million Fine Stemming From Apparently Illegal Robocall Scheme: Telnix Apparently Allowed Callers Posing as Government Officials on Its Network In Violation of ‘Know Your Customer’ Requirements for Providers* (Feb. 4, 2025), available at: <https://docs.fcc.gov/public/attachments/DOC-409354A1.pdf>

<sup>4</sup> *In Re: In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, WC Docket No. 07-135, Dissenting Statement of Commissioner Ajit Pai (June 19, 2015).

Commissioner Michael O’Rielly put it this way:

I have made clear, on multiple occasions, that I do not condone abusive calling practices. In fact, I had been working for over a year in the hopes of advancing an item that would protect consumers from unwanted communications while enabling legitimate businesses to reach individuals that wish to be contacted. That is the balance that Congress struck when it enacted the Telephone Consumer Protection Act (TCPA) in 1991.

Far from protecting consumers, however, “[t]his current state of affairs, where companies must choose between potentially crushing damages under the TCPA or cease providing valuable communications specifically requested by consumers, contravenes Congress's intent for the statute not to interfere with normal, expected, and desired communications that consumers have expressly consented to receive.”<sup>5</sup>

While the Commission has repeatedly acted to punish bad actors who violate the TCPA, it has done little to address the abusive litigation that continues to proliferate under the TCPA, harming law-abiding companies. By the end of October 2024, the most recent month for which data is available, more than 1,500 TCPA cases had been filed in 2024.<sup>6</sup> TCPA litigation is unique from other consumer protection cases because the vast majority of TCPA cases are filed as putative class actions. For example, in October 2024, more than 71% of the TCPA cases were filed as a putative class action, while claims filed under the Fair Debt Collection Practices Act saw only 4% filed as class actions and only 1.1% of cases filed under the Fair Credit Reporting Act were filed as a putative class action.<sup>7</sup>

Filing as a putative class action means that any company facing such a case will necessarily incur substantial litigation costs, even if there is no merit to the claims. This asymmetrical

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<sup>5</sup> *In Re: In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, CG Docket No. 02-278, WC Docket No. 07-135, Statement of Commissioner O’Rielly Dissenting in Part and Approving in Part (June 19, 2015).

<sup>6</sup> See WebRecon Oct 2024 Stats: Everything Up in Oct and YTD, *available at*: <https://webrecon.com/webrecon-oct-2024-stats-everything-up-in-oct-and-ytd/> (last accessed: Feb. 2, 2025).

<sup>7</sup> *Id.*

imposition of costs creates a lose-lose scenario for law-abiding companies. Either they pay a substantial settlement to end a case that has no legal merit or they pay substantially more to their lawyers to litigate the case without a realistic probability of recouping those costs. Most will have little practical choice but to pay what amounts to extortion in order to avoid the higher costs of litigating the case. They also know that one bad decision by a court can spur dozens of lawsuits and bring out copycat plaintiffs.<sup>8</sup> This asymmetry is exploited by attorneys who then recruit consumers and mislead them into filing frivolous TCPA claims.

This Petition asks the Commission to act to stop an abusive litigation practice before it continues to proliferate. By way of example, since at least November 2024 The Law Offices of Jibrael S. Hindi in Ft. Lauderdale, Florida has been proliferating litigation against law-abiding companies based on the TCPA's Quiet Hours provision. To file these cases, they actively solicit plaintiffs on social media. For example, on Instagram, the law firm has the following ads:

**BREAKING NEWS**

**MARKETING TEXTS BETWEEN 9PM-8AM ARE WORTH MONEY! LOTS OF MONEY...**

THE LAW OFFICES OF  
**JIBRAEL S. HINDI**  
ATTORNEY AT LAW


**\$500 - \$1,500 PER TEXT**

**IF A COMPANY IS TEXTING YOU BETWEEN THE HOURS OF 9PM-8AM. OR IF YOU TOLD A COMPANY TO "STOP" AND THEY CONTINUE TO TEXT AFTER YOU SAID STOP.**

**@JIBRAEL\_LAW**

**DM US SCREENSHOTS TO SEE IF YOU HAVE A CASE.**

<sup>8</sup> See, e.g., The Law Offices of Jabrael S. Hindi's post of article New Jersey Law Journal, 'Copycat Attorneys Come Out': 11th Circuit Ruling Prompts Plaintiffs to Launch New Attack on Debt Collectors (Sept. 20, 2021), available at: <https://jibraellaw.com/wp-content/uploads/2021/11/Hunstien-Article-with-Me.pdf>



A FRIENDLY REMINDER

**TEXT MESSAGES  
BETWEEN 9PM-8AM  
ARE **ILLEGAL.****

And you may be entitled between \$500-\$1,500 if this has happened to you...

**Receiving Marketing Text Messages Between 9pm-8am?**

**You May Be Entitled to \$500-\$1,500 per text message**



**JSI**  
THE LAW OFFICES OF  
**JIBRAEL S. HINDI**  
ATTORNEY AT LAW  
RESULTS ABOVE ALL

@Jibrael\_Law



**Getting Marketing Texts Between 9pm-8am? You May Be Entitled To \$500-\$1,500**

www.jibraellaw.com

**JSI**  
THE LAW OFFICES OF  
**JIBRAEL S. HINDI**  
ATTORNEY AT LAW  
RESULTS ABOVE ALL

@jibrael\_law

jibrael\_law • Follow

jibrael\_law • Getting marketing texting between 9pm-8am?

If you're receiving marketing text messages between the hours of 9pm-8am these texts are **ILLEGAL** under the TCPA. You may be entitled to \$500-\$1,500 per text message! 📞

📞 We have recovered millions of dollars for these type of violations.

📞 DM us to see if you have a case.

We Don't Get Paid Unless You Get Paid!

#jibrael #jibraellaw #law #tcpa #spam #texts #lawyer #case #attorney #florida #miami #fortlauderdale

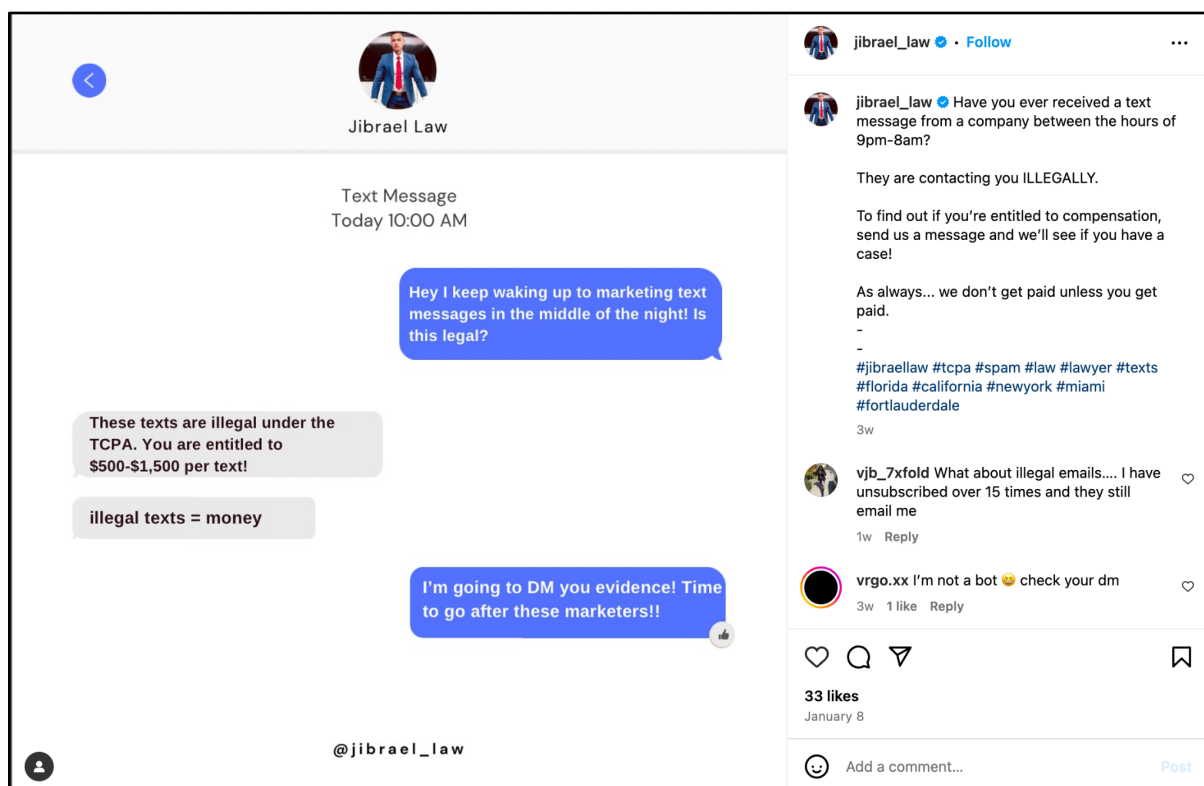
4d

xms.blasianx I sent you a DM can you please reply I have a question  
3d 1 like Reply

yehielkyleisrael 🔥🔥🔥  
3d 1 like Reply

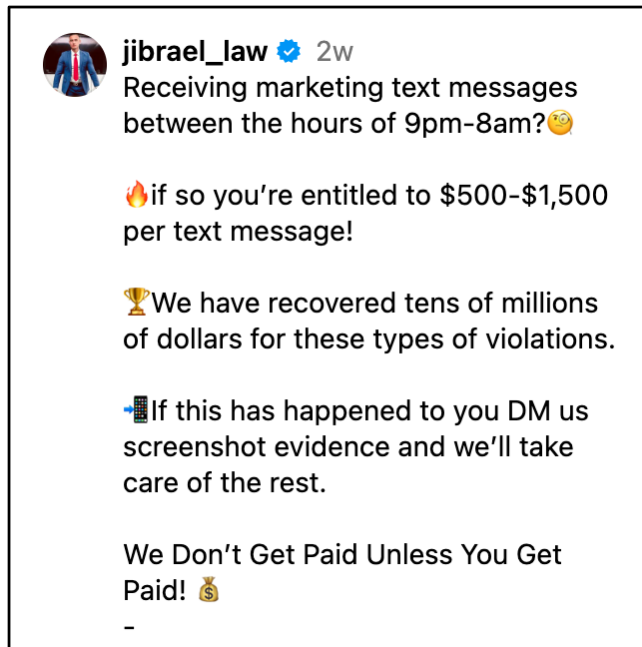
15 likes  
4 days ago

Add a comment...



Similarly, the Florida law firm has created an Instagram reel to solicit plaintiffs in which it describes 9 p.m. to 8 a.m. as the “THE MONEY TIMES” and misleadingly tells consumers – without equivocation – that if they have received any text message from a company during these times the messages are “illegal” and they’re “entitled to between \$500 to \$1500 per text message.”<sup>9</sup> In comments for the law firm’s advertising reel, an attorney for the firm claims that they have “recovered tens of millions of dollars” already for “these types of violations”:

<sup>9</sup> See <https://www.instagram.com/reel/DFLWCeLurEX>



These ads appear to have been created just in the past few months, which coincides with dozens of Quiet Hour cases being filed by the Florida law firm, which is often filing two or three of these cases a day. In total, Petitioners have cataloged over 90 such cases being filed by this Florida law firm alone since November 2024 in federal courts in California, Florida, and New York.<sup>10</sup> All of the complaints are virtually cookie-cutters of one another. They all seek to certify a nationwide class action against the Defendant. In the majority of cases, a 2022 law school graduate is listed as the only attorney of record. In the others, a 2024 law school graduate is listed as lead counsel. Despite their limited legal experience, both seek to act as lead class counsel in these putative class actions.

As discussed more fully below, the definition of “telephone solicitation” establishes that the Quiet Hours rules do not apply when a consumer has provided prior express consent to receive marketing text messages. Despite this, the Florida law firm never discloses this fact in its misleading advertisements. Instead, it is deluging ecommerce businesses with litigation without

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<sup>10</sup> See Chart of Cases, attached hereto as Exhibit A.

regard to whether or not the Plaintiff provided prior express consent to receive marketing text messages. Rather than addressing the relevant legal inquiry, each Complaint includes the following legally-irrelevant allegation: “Plaintiff never signed any type of authorization permitting or allowing Defendant to send them telephone solicitations before 8 am or after 9 pm.” The instant Petition therefore asks the Commission to reaffirm that the “Quiet Hours” provision does not provide a basis for seeking recovery if the consumer has provided (and not revoked) their prior express written consent to receive text messages.

Further, because compliance with the rule as currently drafted is impossible due to the inability of business or text messaging platforms to access real-time location data for wireless phones and thus know the local time of the called party’s location, the Commission should address the practical impossibility to comply with 47 C.F.R. § 64.1200(c)(1) for wireless phones in the absence of prior express written consent. As discussed more fully below, Petitioners ask the Commission to either waive 47 C.F.R. § 64.1200(c)(1) for telephone solicitations to wireless numbers or, in the alternative, create a non-rebuttable presumption that a wireless phone’s NPA-NXX is the called party’s location for purposes of the rule.

## **II. THE COMMISSION SHOULD REITERATE THAT A CONSUMER WHO HAS PROVIDED PRIOR EXPRESS WRITTEN CONSENT TO RECEIVE MARKETING TEXT MESSAGES HAS NO BASIS TO PURSUE DAMAGES UNDER THE TCPA’S QUIET HOURS PROVISION.**

In 2003, the Commission applied the Quiet Hours provision to wireless phone numbers when a caller has not obtained prior express written consent. In order to reach this outcome, the Commission first reversed its earlier decision not to create a national Do-Not-Call database and, in addition to sanctioning the national database, concluded that it would allow wireless numbers

to be registered in the database.<sup>11</sup> The *2003 Order* reinterpreted the definition of “residential telephone subscriber” and expanded it to include wireless phone numbers.<sup>12</sup> The Commission also created “a rebuttable presumption” that a wireless telephone number registered in the Do-Not-Call database was a “residential telephone subscriber.”<sup>13</sup>

Because the Quiet Hours rule applies to “residential telephone subscribers,” the Commission’s reinterpretation of this phrase also resulted in the Quiet Hours provision applying to wireless telephones.<sup>14</sup> Since adoption of the *2003 Order*, the Commission’s rules have provided that “[t]he rules set forth in paragraph (c) ... are applicable to any person or entity making telephone solicitations or telemarketing or text messages calls or text messages to wireless telephone numbers to the extent described in the [2003 Order].”<sup>15</sup>

While the Commission’s rules are clear that the Quiet Hours provision applies to wireless phones used for residential purposes, the *2003 Order* made it equally clear that calls made with prior invitation or permission are not “telephone solicitations.” The Commission stated:

[W]e conclude that sellers may contact consumers registered on a national do-not-call list if they have obtained the prior express permission of those consumers. We note that section 227(a)[(4)] excludes from the definition of telephone solicitation calls to any person with “that person’s prior express invitation or permission.” Consistent with the FTC’s determination, we conclude that for purposes of the national do-not-call list such express permission must be evidenced only by a signed, written agreement between the consumer and the seller which states that the consumer agrees to be contacted by this seller, including the telephone number to which the calls may be placed. Consumers registered on the national list may wish

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<sup>11</sup> *In Re: In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, 18 FCC Rcd. 14014, CG Docket No. 02-278, FCC 03-153, Report and Order, ¶¶ 16-32 (July 3, 2003) (“*2003 Order*”).

<sup>12</sup> *Id.* at ¶ 34. The Commission rejected arguments that the phrase “residential telephone subscribers” was understood by Congress to be limited to residential landline telephones.

<sup>13</sup> *Id.* at ¶ 35.

<sup>14</sup> The Commission’s Quiet Hours rule provides that “(c) No person or entity shall initiate any telephone solicitation to: (1) Any residential telephone subscriber before the hour of 8 a.m. or after 9 p.m. (local time at the called party’s location).” 47 C.F.R. § 64.1200(c)(1).

<sup>15</sup> 47 C.F.R. § 64.1200(e).

to have the option to be contacted by particular entities. Therefore, we conclude that sellers may obtain the express written agreement to call such consumers.

In the *2003 Order* the Commission declined to “revise the restrictions on calling times”<sup>16</sup> before addressing the intersection between the Quiet Hours provision and the Do-Not-Call list. The Commission concluded that:

[C]onsumers who want to block unwanted calls during certain times will now have the option of placing their telephone numbers on the national do-not-call registry. They will have the additional option of giving express verifiable authorization to only those companies they wish to hear from. The Commission declines at this time to require companies to adhere to consumers’ calling preferences, including “acceptable” calling times. We believe that the costs of monitoring calling times for individual consumers could be substantial for many companies, particularly small businesses.<sup>17</sup>

The unmistakable import of the *2003 Order* is that the Commission’s Quiet Hours provision applies to mobile phone numbers only if the residential subscriber has not given prior written consent to a company to call or message them. Once an individual has provided prior express written consent, however, the TCPA affords them no right to limit or restrict that consent to specific times of day or to burden a business with monitoring and honoring “‘acceptable’ calling times.”<sup>18</sup>

Petitioners acknowledge that late night text messages could be annoying to some consumers. In practice, however, consumers have multiple options to stop those messages without resorting to litigation. Even more so than in 2003 when the Commission first expanded the TCPA, consumers are empowered to ensure marketing messages do not disturb their slumber. Both Apple and Android operating systems provide “Do Not Disturb” features, which allow consumers to silence incoming notifications on some or all of the calls and texts they receive while that feature

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<sup>16</sup> *Id.* ¶ 210.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

is active. Moreover, instead of resorting to litigation, if an individual consumer concludes that the inconvenience of receiving a text message at a certain hour of the day outweighs the value of the exclusive promotions or other content provided by their brand, the Commission has made clear that they have a legal right to revoke their consent using commands that are universally recognized by today's modern calling and texting platforms.<sup>19</sup> Indeed, the Commission has long been of the view that revocation of consent is the appropriate recourse for a consumer who is unhappy about the time of day a business contacts them after providing their consent.<sup>20</sup>

Accordingly, and in order to curb the proliferation of wasteful and abusive litigation being pursued by the Florida law firm and others that may copycat their approach, the Commission should promptly issue a Declaratory Ruling that leaves no room for doubt that a consumer who has provided their prior express written consent to receive marketing text messages has no claim against the sender if those messages arrive outside of the hours of 8 a.m. or after 9 p.m. (local time at the called party's location). Granting this Petition will put attorneys on notice that claims ignoring prior written consent are frivolous and provide ample basis for a court to award sanctions against lawyers and plaintiffs who continue to proliferate baseless Quiet Hours litigation without first determining whether the potential plaintiff has provided their prior express written consent.

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<sup>19</sup> See, e.g., *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order and Further Notice of Proposed Rulemaking, CG Docket No. 02-278, FCC 24-24 (rel. Feb. 16, 2024).

<sup>20</sup> *In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, CC Docket No. 92-90, FCC 95-130, 10 FCC Rcd 12391, 12396 (rel. Aug. 7, 1995) (“calls made before 8 a.m. or after 9 p.m. (local time at the called party's location) do not violate our rules if they are made with such prior express invitation or permission of the resident. If a resident withdraws express consent, any further solicitations to that resident by or on behalf of the same person or entity will be subject to our rules on telephone solicitations barring calls before 8 a.m. or after 9 p.m.”).

This action is warranted to curb the proliferation of abusive TCPA litigation which imposes costs on the courts and on businesses and is, therefore, in the public interest.

### **III. THE COMMISSION SHOULD CLARIFY THE APPLICATION OF THE QUIET HOURS PROVISION TO TEXT MESSAGES SENT WITHOUT PRIOR EXPRESS WRITTEN CONSENT.**

Under the Commission's rules, businesses sending marketing text messages must obtain prior express written consent if they are using an automatic telephone dialing system.<sup>21</sup> As noted above, those who obtain such consent have no liability under the Quiet Hours rule. However, because not all text messages constituting a "telephone solicitation" are sent using an ATDS, the Commission should also take the opportunity to confront the significant practical challenge posed by its current rule. In particular, the Commission has never addressed how a caller can know the "local time at the called party's location" in order to avoid making a telephone solicitation outside of the hours of 8 a.m. or 9 p.m. wherever the individual happens to be when the message is delivered.

When the Commission first adopted the "local time at the called party's location" language shortly after passage of the TCPA, the Commission issued an industry bulletin that made clear that the restriction applied to "'Live' solicitations placed to residential telephone subscribers."<sup>22</sup> This was practical and its application straightforward in 1993 when "residential telephone subscriber" meant only those using landline telephones at their homes. The area code and central office code

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<sup>21</sup> See 47 C.F.R. § 64.1200(a); see also *Facebook, Inc. v. Duguid*, 592 U.S. 395 (2021) (clarifying the narrow scope of technology meeting the definition of automatic telephone dialing system).

<sup>22</sup> FCC Industry Bulletin: *Telephone Consumer Protection Act Telephone Solicitations, Autodialed and Artificial or Prerecorded Voice Message Telephone Calls, and the Use of Facsimile Machines*, 8 FCC Rcd 506, 507 (Jan. 11, 1993).

(NPA-NXX) of the phone number correlated directly to a geographic area making it possible for a caller to know without a doubt the time of day at the called party's location.

When the Commission expanded “residential telephone subscriber” to include certain wireless phone numbers in its *2003 Order*, it never addressed whether there would be technical impediments experienced by callers in determining the “called party’s location.” Since the market for wireless phone service in 2003 was very different than it is today, there was no practical need for the Commission to question the wireless called party’s location at that time. For example, the *2003 Order* was adopted in July 2003, and it was not until November of that year that the Commission’s rules finally began to require wireless carriers in large metropolitan areas to support local number portability with other wireless carriers. By way of further example, in a 2002 order, the Commission described the state of the wireless market, noting that “carriers have [recently] begun to offer pricing plans providing large buckets of air time for a fixed monthly rate,” but that only “about three percent of mobile telephone subscribers rely on their wireless phone as their only phone.”<sup>23</sup> Thus, when the Commission reenvisioned what it meant to be a “residential telephone subscriber” by expanding the definition to include mobile phones, there was little practical difficulty in determining the geographic area of a wireless phone subscriber because few, if any, people retained their phone number if they moved outside the geographic area associated with the area code.

When the Commission sought to extend the Quiet Hours restriction to government debt collection calls in 2016, however, the market had matured. In that rulemaking, the Commission was confronted with the practical impossibility of knowing where a wireless consumer was located

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<sup>23</sup> *In re Verizon Wireless’s Petition for Partial Forbearance from the Commercial Mobile Radio Services Number Portability Obligation*, Memorandum Opinion and Order, WT Docket No. 01-184, FCC 02-215 (rel. July 26, 2002).

at any given time.<sup>24</sup> Rather than engage with the concern, the Commission at that time brushed aside the practical considerations in a footnote, stating:

One commenter argues that it “cannot determine which time zone the borrower is in.” Nelnet Comments at 15. Another commenter states that it has adopted operational practices involving ZIP codes to better determine a consumer’s likely location rather than relying on area code. ECMC Comments at 8. The rule we adopt today is the same as our time-of-day restriction on telemarketing calls and as the FTC’s Telemarketing Sales Rule. This restriction has not proved unworkable, and we do not anticipate that it will be unfeasible here.<sup>25</sup>

Since refusing to engage with the issue, the Commission has exacerbated the problem by taking action to ensure that callers will never have access to a called party’s location data – thus making it impossible to ensure compliance with 47 C.F.R. § 64.1200(c)(1) as currently written. Specifically, in April 2024, the Commission trumpeted its imposition of \$200 million in fines on AT&T, Sprint, T-Mobile, and Verizon for sharing access to consumers’ location data without prior consent.<sup>26</sup> Petitioners take no issue with the Commission’s conclusion that a consumer’s location data is “some of the most sensitive information” and should be considered “sacrosanct.”<sup>27</sup> But, having acted decisively to prevent access to real-time location data to protect consumers’ privacy, the Commission should address the impossibility of complying with 47 C.F.R. § 64.1200(c)(1) as currently drafted. Petitioners, therefore, respectfully request that the Commission either: (1) waive 47 C.F.R. § 64.1200(c)(1) with regard to mobile phone solicitations made to wireless numbers due to the impossibility of compliance; or, in the alternative, (2) declare that for purposes of applying

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<sup>24</sup> *In re Rules Implementing the Tel. Consumer Prot. Act of 1991*, Report and Order, CG Docket No. 02-278, 31 FCC Rcd 9074, 9094 (rel. Aug. 11, 2016).

<sup>25</sup> *Id.*, at n.157.

<sup>26</sup> *FCC Fines AT&T, Sprint, T-Mobile, and Verizon Nearly \$200 Million for Illegally Sharing Access to Customers’ Location Data: Carriers Sold Access to Location Data to Third Parties Without Customer Consent and Continued to Do So Without Reasonable Safeguards* (Apr. 29, 2024), available at: <https://docs.fcc.gov/public/attachments/DOC-402213A1.pdf>.

<sup>27</sup> *Id.*

47 C.F.R. § 64.1200(c)(1) when making telephone solicitations to wireless phone numbers, there is a non-rebuttable presumption that the called party is located in the time zone associated with the NPA-NXX.

**A. Waiver of the Rule is Appropriate Given Consumers' Ability to Control the Delivery of Message Notifications**

The Commission or the Bureau, through properly exercised delegated authority, may waive its rules for good cause shown.<sup>28</sup> A waiver may be granted if: (1) the waiver would better serve the public interest than would application of the rule; and (2) special circumstances warrant a deviation from the general rule.<sup>29</sup> Impossibility of compliance coupled with harsh results also provide a reasonable basis to grant a waiver.<sup>30</sup> The Commission has deemed it appropriate to waive parts of its TCPA rules in the past.<sup>31</sup>

Here, the impossibility of compliance, combined with harsh penalties for non-compliance, warrant a waiver of the Commission's rule. Since the Commission first extended 47 C.F.R. § 64.1200(c)(1) to wireless phones, much has changed. Unlike in 2003 when wireless phone use had expensive per-minute charges which pushed most consumers to restrict their use to their local areas, it is commonplace today for consumers to use their mobile phone as their primary means of communication. As they move about the country, nearly all Americans enjoy the benefit of being

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<sup>28</sup> 47 CFR § 1.3; *WAIT Radio v. FCC*, 418 F.2d 1153 (D.C. Cir. 1969), *appeal after remand*, 459 F.2d 1203 (D.C. Cir. 1972), *cert. denied*, 409 U.S. 1027 (1972); *Northeast Cellular Tel. Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

<sup>29</sup> *Northeast Cellular*, 897 F.2d at 1166.

<sup>30</sup> *See, e.g., In the Matter of Policy and Rules Concerning Rates for Dominant Carriers*, Memorandum Opinion and Order, 6 FCC Rcd 6692 (Nov. 7, 1991); *Petition of Westelcom Network, Inc. for Limited, Expedited Waiver of Section 61.26(A)(6) of the Commission's Rules*, 32 FCC Rcd 3693 (Apr. 24, 2017).

<sup>31</sup> *See, e.g., In re Consumer & Governmental Affairs Bureau Grants Limited Waiver of Prior Express Written Consent Requirement*, 34 FCC Rcd 4851 (June 13, 2019), *recon denied by In re CGB Denies Wakefield's Petition for Reconsideration of TCPA Order*, 35 FCC Rcd. 10039 (Aug. 28, 2020).

on a nationwide carrier, experiencing no change in costs between making a call to their neighbor or a call to the other side of the country. As a result, consumers are apt to retain their wireless phone number for years or even decades, even if they move to a different time zone.

The area code of a wireless phone number is no longer synonymous with the called party's location in the way that it generally was in 2003. Therefore, in order to comply with 47 C.F.R. § 64.1200(c)(1), a business making a telephone solicitation to a mobile phone number not on the national Do-Not-Call list and without using an ATDS, is left in the impossible position of having to comply with a rule without the ability to know where a called party's location is at any given time. Without access to real time location data, it is impossible for a business to know where a consumer will be located at any given time when they initiate a call or send a text message. And, as the Commission is aware, the cost of non-compliance is substantial as a business could be exposed to the TCPA's \$500 per-message statutory damages<sup>32</sup> if they make a telephone solicitation to a wireless number outside of the hours of the Quiet Hours "at the called party's location."<sup>33</sup> Requiring adherence to an impossible metric is unreasonable and unfair to businesses.

Further, because of significant changes in technology that have occurred since the *2003 Order* was adopted, the public interest would not be negatively impacted by granting the waiver. When the Commission first created the "Quiet Hours" rule, it was focused on the disturbance caused by residential phone ringing late at night or early in the morning and disturbing an entire house's sleep. In 2003, when the TCPA was expanded, most consumers still had landline home

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<sup>32</sup> See 47 U.S.C. § 227(c)(5)(B).

<sup>33</sup> Exposure to damages under the TCPA is a result of the Commission's *2003 Order* and its decision to expand the definition of "residential subscriber" to incorporate wireless phone numbers. This Petition does not express a view on whether that action was within the Commission's scope of delegated authority and no Petitioner intends to waive any argument that it may otherwise make with regard to that issue. See, e.g., *Turizo v. Subway Franchisee Adver. Fund Trust Ltd.*, 603 F.Supp.3d 1334 (S.D. Fla. 2022).

phones where they would receive important calls if their mobile phones were turned off. For the small populations without a landline, consumers made a choice: (1) keep their mobile phone on for any calls, including emergency calls from friends and relatives, or (2) turn off or silence their phones to prevent unwanted calls interrupting their sleep and take the risk of missing an important call. The dynamics are fundamentally different today. Thanks to advancements made by the wireless phone manufacturers, consumers are equipped with the tools to make more granular choices about which calls come in late at night in order to avoid being disturbed by unwanted calls or texts.

Consumers on nearly all wireless devices now enjoy the ability to activate Do Not Disturb features, which let calls and messages from their favorite contacts – such as spouses, children, and parents – continue to come through during the night, while silencing other notifications to prevent being disturbed while trying to sleep. This feature works not only for those who seek rest during the Quiet Hours defined by the Commission, but the countless Americans who work night shifts and need sleep during the day. It is the ultimate tool of consumer choice and a powerful reason why granting the waiver requested by this Petition is not against the public interest.

The Commission’s rule requiring calls to be made based on the “called party’s location” is an unworkable standard that can far too easily put law-abiding and reputable businesses in the crosshairs of a serial TCPA litigant. Businesses should not face liability of \$500 per message for failing to comply with one Commission rule when another Commission rule has ensured that the location data necessary to ensure compliance is not available. Accordingly, the Commission should waive 47 C.F.R. § 64.1200(c)(1) for telephone solicitations made to wireless phones.

## **B. In the Alternative, The Commission Should Create a Non-Rebuttable Presumption Based on NPA-NXX**

If the Commission does not conclude that waiver of 47 C.F.R. § 64.1200(c)(1) is warranted, then it should provide a definitive means for business to comply with the rule without confronting an undue risk. As discussed above, it is fundamentally impossible for a sender of text messages to definitively know the precise time of day at the recipient's *exact* location without access to real-time location data. Relying on the area code (NPA) and central office code (NXX) (collectively, the first six digits of a ten-digit phone number) as a proxy for location is both reasonable and consistent with established industry practices.

- 1. Location Data is Not Available:** Text messaging platforms do not inherently have access to precise, real-time location data between senders and recipients. Privacy concerns and the technical architecture of SMS/MMS protocols preclude this kind of automatic data exchange.
- 2. NPA-NXX Provides a Reasonable Approximation:** The NPA-NXX, while not perfect, offers a reasonable and widely accepted proxy for location. It ties a phone number to a specific geographic area, typically a local calling area. While these areas are not perfectly aligned with time zones, they provide a much finer-grained level of location information than simply knowing the country code. This makes it a valuable and practical tool for estimating local time.
- 3. Industry Standard Practice:** Using NPA-NXX for location-based services and estimations is a long-standing practice in the telecommunications industry. It's a foundational element for routing calls, determining local calling rates, and has been adapted for use in various other applications, including, by necessity, estimating local time for messaging timestamps. SMS platforms currently use area codes as a proxy for location

because it is the only data that is available for every subscriber that receives a text message.<sup>34</sup>

- 4. No Alternative Without Explicit Consent:** Without explicit user consent and the technical infrastructure to support real-time location sharing, there is no viable alternative to using NPA-NXX for estimating location in the context of text messaging. Requiring senders to somehow ascertain the precise location and local time of every recipient before sending a message is simply not feasible or practical.

Therefore, given the technical limitations and privacy considerations, relying on the NPA-NXX of a phone number as a proxy for location to estimate the recipient's local time for messaging timestamps is not only reasonable but also a necessary and established industry practice. It provides a balance between the need for time-related information and the practical constraints of current technology and privacy standards. For these reasons, the Commission should clarify that for purposes of 47 C.F.R. § 64.1200(c)(1) when applied to wireless phone numbers, there is a non-rebuttable presumption that the NPA-NXX is indicative of the called party's location.

#### IV. CONCLUSION

Petitioners respectfully request that the Commission issue a Declaratory Ruling confirming that a person who provides their prior express consent to receive text messages has no claim under the Telephone Consumer Protection Act if those messages are delivered to them outside of the

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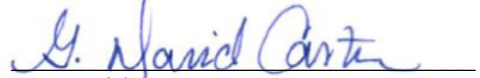
<sup>34</sup> See, e.g., Klaviyo, Understanding SMS and MMS quiet hours in flows, *available at*: <https://help.klaviyo.com/hc/en-us/articles/4408737146651> (noting that Quiet Hours in the U.S. and Canada are based on “the recipient’s area code”); Twilio, Compliance Toolkit for Programmable Messaging, *available at*: <https://www.twilio.com/docs/messaging/features/compliance-toolkit> (“For messages classified as non-essential, Compliance Toolkit will determine recipients’ location and timezone based on the recipient's area code. Non-essential messages will then be prevented from being sent during Quiet Hours (between 9PM to 8AM local time as determined by area code).”).

hours of 8 a.m. to 9 p.m at their location. Petitioners also request that the Commission clarify or waive that portion of 47 C.F.R. § 64.1200(c)(1) when applied to any telephone solicitation delivered to a wireless telephone number.

Granting this Petition on an expedited basis is in the public interest because it would curb the proliferation of abusive TCPA litigation that is costing law-abiding companies substantial resources to address. This would free up resources for businesses to use in more productive ways, such as developing new products and services, and hiring or retaining employees.

Dated: March 3, 2025

Respectfully submitted,

A handwritten signature in blue ink, reading "G. David Carter", is written over a horizontal line.

G. David Carter

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# **EXHIBIT A**

Date Filed	Targeted Business	Plaintiff	Plaintiff's Counsel	Plaintiff's Law Firm	Case No.	Court
11/20/2024	Tomocredit, Inc.	Casey Rodriguez	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	6:24cv2125	United States District Court, Florida Middle
11/22/2024	Fashion Nova LLC	Shaienne Starks	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:24cv10141	United States District Court, California Central
11/26/2024	Harm Reduction Circle	Alexander Pelaez	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	1:24cv24658	United States District Court, Florida Southern
12/2/2024	Jo-Ann Stores, LLC	Allison Blank	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:24cv2556	United States District Court, California Central
12/2/2024	Savor Goods, LLC	Allison Blank	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:24-cv-02554	United States District Court, California Central
12/4/2024	Blu Bliss Massage and Spa LLC	Robert Mayan	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	0:24cv62296	United States District Court, Florida Southern
12/9/2024	Build and Fund LLC	Shawn Perrot	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	1:24cv8862	United States District Court, California Northern
12/9/2024	Wooltari USA, Inc.	Marnie Schulman	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:24cv10565	United States District Court, California Central
12/11/2024	Creative Genius, LLC dba Pura Vida Bracelets	Alexander Alban	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	0:24cv62334	United States District Court, Florida Southern
12/12/2024	Homeaglow Inc.	Shakenya Gibbs	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	3:24cv1176	United States District Court, Florida Middle
12/12/2024	International Doula Institute	Hope Fernandez-Kambick	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	1:24cv1523	United States District Court, California Eastern
12/13/2024	Inc Authority, LLC	Hope Fernandez-Kambick	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	1:24cv1531	United States District Court, California Eastern
12/16/2024	Intelligent Blends, LLC	Todd Drennan	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:24cv2905	United States District Court, Florida Middle
12/17/2024	EFA SAAS LLC	Katherine Rodriguez	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	6:24cv2300	United States District Court, Florida Middle
12/17/2024	Infobridge, LLC	Todd Drennan	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:24cv2914	United States District Court, Florida Middle
12/17/2024	Lila Maternity LLC	Casey Taha	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:24cv2713	United States District Court, California Central
12/17/2024	LionHeart Fitness Kids, Inc.	Juan Sanchez	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:24cv2658	United States District Court, California Central
12/18/2024	Biolife Plasma Services L.P	Ethan McNeil	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:24cv2728	United States District Court, California Central
12/19/2024	B2TM Holdings Inc.	Kakiya Scott	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:24cv10921	United States District Court, California Central
12/20/2024	Found Money Recovery LLC	Nigel Lucombe	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	8:24cv2949	United States District Court, Florida Middle
12/20/2024	The Ladder to Passive Income LLC	Ila Suarez	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	0:24cv62401	United States District Court, Florida Southern
12/23/2024	Hey Dude Inc.	Stefanie Bryant	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:24cv3679	United States District Court, California Eastern
12/27/2024	American Center For Conflict Resolution Institute, Inc.	Kaitlyn Zucchi	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:24cv2731	United States District Court, California Central
12/27/2024	Sand Cloud Holdings, LLC	Saul Limon-Gonzalez	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	4:24-cv-10107	United States District Court, Florida Southern
12/30/2024	305 Plastic Surgery Corp	Kelsea Pierce	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	4:24cv9472	United States District Court, California Northern
12/30/2024	Loreal USA SD, Inc.	Daniel Garcia	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:24cv11193	United States District Court, California Central
12/30/2024	Thirteen Fifty Apparel LLC.	Jordan Walstrom	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	3:24cv9474	United States District Court, California Northern
1/2/2025	Primal Queen, LLC	Natalie Erickson	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25-cv-00005	United States District Court, California Central
1/3/2025	Caudalie USA, Inc.	Allison Blank	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv16	United States District Court, California Central
1/3/2025	Dr. Martens Airwair USA LLC	Allison Blank	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv19	United States District Court, California Central
1/3/2025	Jovial Foods Inc.	Marnie Schulman	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv68	United States District Court, California Central
1/6/2025	A & W Restaurants, Inc.	Stefanie Bryant	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25at23	United States District Court, California Eastern
1/6/2025	Adrianas Insurance Services, Inc.	Roberto Garcia	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv24	United States District Court, California Central
1/6/2025	Dine Brands Global, Inc.	Stefanie Bryant	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv47	United States District Court, California Eastern
1/6/2025	Plots Inc.	Othman Jaber	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	1:25cv20056	United States District Court, Florida Southern

1/6/2025	SHS Miami 0458 LLC and TextLiving, LLC dba TL Connects	Abdel Mohammed	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	1:25cv20043	United States District Court, Florida Southern
1/8/2025	Thought-Leader, LLC	Kaitlyn Zucchi	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv216	United States District Court, California Central
1/9/2025	Pvolve LLC	Natalie Erickson	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv249	United States District Court, California Central
1/9/2025	Sweetees Inc	Natalie Erickson	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv243	United States District Court, California Central
1/9/2025	The Power of Pure, LLC	Kelsea Pierce	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	3:25cv320	United States District Court, California Northern
1/10/2025	The Finish Line, Inc.	Brittane Jackson	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv71	United States District Court, California Central
1/13/2025	MODWASH, LLC	Kevin Nguyen	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	6:25cv51	United States District Court, Florida Middle
1/13/2025	Pacific Sunwear of California LLC dba PACSUN	Keegan Jurkiewicz	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	0:25cv60079	United States District Court, Florida Southern
1/14/2025	Christian Dior, Inc.	Pary Al Zahawi	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv360	United States District Court, California Central
1/14/2025	Macys, Inc.	Abdulsatar Samadi	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv358	United States District Court, California Central
1/15/2025	Reebok International Ltd., LLC	Maurice Smith	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv393	United States District Court, California Central
1/15/2025	Telescents, Inc. dba FragranceNet	Maurice Smith	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv376	United States District Court, California Central
1/16/2025	Seated, Inc.	Alexandria Alvarez	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:25cv79	United States District Court, California Central
1/16/2025	Urban Outfitters, Inc.	Alexandria Alvarez	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:25cv80	United States District Court, California Central
1/17/2025	Eminent, Inc. dba Revolve Clothing	Diana Delgado	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	1:25cv20275	United States District Court, Florida Southern
1/17/2025	Ivy Growth, Inc. doing business as Ivy Flip	Staiyus Tessman	Zane C. Hedaya	Law Offices of Jibrael Hindi, PLLC	1:25cv503	United States District Court, New York Southern
1/17/2025	Lyft Inc.	Ronald Malone	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	1:25cv20288	United States District Court, Florida Southern
1/17/2025	Timbuk2 Designs, Inc.	Mubassar Uddin	Zane C. Hedaya	Law Offices of Jibrael Hindi, PLLC	1:25cv328	United States District Court, New York Eastern
1/22/2025	Fabletics, Inc.	Sal Othman	Zane C. Hedaya	Law Offices of Jibrael Hindi, PLLC	2:25cv370	United States District Court, New York Eastern
1/22/2025	Gbny Productions, Inc.	Maurice Smith	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv557	United States District Court, California Central
1/22/2025	No Code No Problem, LLC	Keston Goodman	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	1:25cv20342	United States District Court, Florida Southern
1/22/2025	T-Mobile USA, Inc.	Maurice Smith	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv563	United States District Court, California Central
1/23/2025	Phantom Fireworks Western Region, LLC	Lakeisha Bryan	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv606	United States District Court, California Central
1/31/2025	Bowlersmart LLC	Jennifer Johnson	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	8:25-cv-262	United States District Court, Florida Middle
1/31/2025	QVC, Inc.	Susana Rubalcaba	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	1:25-cv-00129	United States District Court, California Eastern
2/3/2025	7-Eleven, Inc.	Alexander Fernandez	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	0:25cv60183	United States District Court, Florida Southern
2/4/2025	Colourpop Cosmetics, LLC	Jennessy Trushel	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:25-cv-00282	United States District Court, Florida Middle
2/4/2025	Farm to Fork Meals, LLC	Camila Montanvert	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	0:25cv60197	United States District Court, Florida Southern
2/4/2025	The Children's Place, Inc.	Jennessy Trushel	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:25-cv-00284	United States District Court, Florida Middle
2/6/2025	Direct Digital, LLC	Karestin Thompson	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1026	United States District Court, California Central
2/10/2025	Oru Kayak, Inc.	Laura Leach	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	8:25cv333	United States District Court, Florida Middle
2/10/2025	Gymshark USA Inc.	Sharon Manier	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv366	United States District Court, California Central
2/12/2025	Tiny Rituals	Bryann Patricia Brown	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	9:25cv80204	United States District Court, Florida Southern
2/12/2025	Oh My Darling Party Co LLC	Chase Harrell	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	4:25cv62	United States District Court, Florida Northern
2/12/2025	Inkind Cards Inc.	Justin Chen	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1248	United States District Court, California Central
2/13/2025	Gobrand, Inc. dba GoPuff	Anelique Ng	Zane C. Hedaya	Law Offices of Jibrael Hindi, PLLC	1:25cv829	United States District Court, New York Eastern

2/18/2025	PHE, Inc. dba Adam & Eve	Juan Ivich	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	0:25cv60319	United States District Court, Florida Southern
2/18/2025	Academy, Ltd.	Linsey Blakely	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	3:25cv1680	United States District Court, California Northern
2/18/2025	Straight Smile, LLC d/b/a Byte	Jayden Sanders	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv1681	United States District Court, California Northern
2/19/2025	For Love and Lemons LLC	Michelle Huang	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1391	United States District Court, California Central
2/19/2025	The Dirty Rabbit LLC	Mateo Londono	Faaris K. Uddin	Law Offices of Jibrael Hindi, PLLC	1:25cv20784	United States District Court, Florida Southern
2/20/2025	Spyder Lifestyle Strategies Inc. dba Grondyke Soap Company	Siddhartha Obhan	Zane C. Hedaya	Law Offices of Jibrael Hindi, PLLC	2:25cv965	United States District Court, New York Eastern
2/20/2025	House of Lashes	Ashley Stark	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	6:25cv283	United States District Court, Florida Middle
2/25/2025	Tymo Beauty, Inc.	Vanessa Charles	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv496	United States District Court, California Central
2/25/2025	Carter's Inc.	Vanessa Charles	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv501	United States District Court, California Central
2/25/2025	Everest Sleep Center	Corey Martinez	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:25cv372	United States District Court, California Central
2/25/2025	Skinny Fit, LLC	Robin Savage	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	8:25cv376	United States District Court, California Central
2/25/2025	Lancaster Beauty School, Inc.	Lakeisha Bryant	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1614	United States District Court, California Central
2/25/2025	Proenza Schouler, LLC	Janet Han	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1623	United States District Court, California Central
2/25/2025	Hotel Collection LLC	Karen Nason	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1626	United States District Court, California Central
2/26/2025	TLA Acquisition Corp.	David Acevedo	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1606	United States District Court, California Central
2/26/2025	Shoe Carnival, Inc.	Tiffany Avino	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv517	United States District Court, California Central
2/26/2025	Miami Sample, LLC	Isha Martinez	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1669	United States District Court, California Central
2/26/2025	Montway LLC	Andre Dennen	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1675	United States District Court, California Central
2/27/2025	Francescas Operations, Inc.	Diane Braly	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1707	United States District Court, California Central
2/27/2025	Posh Peanut, Inc.	Diane Braly	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1709	United States District Court, California Central
2/28/2025	TTI Consumer Power Tools, Inc. dba Ryobi	Calvin Ferguson	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25-cv-291	United States District Court, California Eastern
2/28/2025	MFF-NW LLC d/b/a Nine West	Fabian Arce	Zane C. Hedaya	Law Offices of Jibrael Hindi, PLLC	1:25cv1150	United States District Court, New York Eastern
2/28/2025	Nice Kicks, LLC	Brittane Jackson	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv543	United States District Court, California Central
2/28/2025	Popilush, LLC	Emily McBride	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	5:25cv540	United States District Court, California Central
2/28/2025	World Wide (Wolverine), Inc. dba Merrell	Carlos Flores	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1721	United States District Court, California Central
2/28/2025	Bio Trust Nutrition, LLC	Diane Braly	Gerald D. Lane, Jr.	Law Offices of Jibrael Hindi, PLLC	2:25cv1710	United States District Court, California Central