

David Schultz Analyzes in ARM Compliance Digest: Appeals Court Vacates Certification, Settlement in TCPA Case

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In the August 8, 2022 edition of the *ARM Compliance Digest*, Hinshaw partner David Schultz discusses an Eleventh Circuit ruling that vacated a lower court's approval of class certification in a Telephone Consumer Protection Act case, finding that some of the named plaintiffs in the class did not have standing to sue in federal court:

Drazen v. GoDaddy has a bizarre procedural history. Three putative class action TCPA cases were consolidated and ultimately settled on a class basis. The court granted approval of the settlement but an objector complained about the coupon aspect of it and the amount of fees. The court reduced the fees but allowed the settlement to proceed. The objectors appealed the certification ruling. Objections in class actions and appeals from them are rare.

The case took another turn on appeal. The 11th Circuit did not get to the objections. Instead, it turned to the Article III aspect of the case. There is relevant law that one text or call may not confer Article III standing. The 11th Circuit said that in light of the *Ramirez v Transunion* Supreme Court Article III ruling, each class member needs to have standing. It then remanded the case for the court to consider the impact of *Ramirez v Transunion* on the certified class. It thus undid, at least for now, the class settlement.

This is another example of the significant impact *Ramirez v Transunion* has on consumer and class action litigation.

[Read the full August 8, 2022 edition of the AccountsRecovery.net Compliance Digest.](#)

"Appeals Court Vacates Certification, Settlement in TCPA Case," *ARM Compliance Digest*, August 8, 2022

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