

# Selling a Car, Texting and the TCPA

1 min read

Apr 28, 2017

By: Barbara Fernandez

After a car dealership (allegedly) texted a person who listed a car for sale on Craigslist, the would be seller filed a class action suit against the dealer claiming the texts were unsolicited, made without consent, and violated the Telephone Consumer Protection Act (TCPA).

The Florida federal court, in light of the Supreme Court's recent decision in [Spokeo, Inc. v. Robins](#), 136 S. Ct. 1540 (2016) ordered briefing on whether texting created standing for the Craigslist seller to sue. On review, the federal court concluded receiving prohibited text messages and calls amount to sufficiently concrete and particularized harm. The court acknowledged other cases from around the country in which courts held that violations of the TCPA alone do not create injury for standing to sue but disagreed with this analysis. Instead, just the unsolicited telephone contact was the injury and any analysis of how the person was contacted does not matter for standing. With ongoing disagreement among courts throughout the country on what constitutes an injury sufficient to bring suit in federal court, expect rulings to continue to come down on both sides of the issue until the appellate courts provide further guidance.

The case is [Mohamed v. Off Lease Only, Inc.](#), Case No. 15-23352-Civ-COOKE/TORRES.

---

*Hinshaw & Culbertson LLP is a U.S.-based law firm with offices nationwide. The firm's national reputation spans the insurance industry, the financial services sector, professional services, and other highly regulated industries. Hinshaw provides holistic legal solutions—from litigation and dispute resolution, and business advisory and transactional services, to regulatory compliance—for clients of all sizes. Visit [www.hinshawlaw.com](http://www.hinshawlaw.com) for more information and follow @Hinshaw on LinkedIn and X.*

## Topics

Texting, TCPA, Telephone Consumer Protection Act, Car Dealership, Craigslist