CLIENT ALERTS & INSIGHTS

BREAKING: Seventh Circuit Holds Text Messages are not Telephone Calls Under Section 227(c)(5) of the TCPA

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In a significant post-*Loper Bright* win for defendants, the Seventh Circuit issued its decision in *Steidinger v. Blackstone Medical Services*, No. 25-2398, affirming a trial court ruling that "§ 227(c)(5) [of the TCPA] does not permit plaintiffs to sue for the receipt of unwanted texts . . . ." Numerous district courts across the country had reached this determination. The Seventh Circuit's opinion becomes the first Circuit to reach this conclusion-and does so in a thorough and straightforward manner. While this decision is controlling only in the Seventh Circuit, the decision presents critical and persuasive authority for other courts.

Steidinger v. Blackstone marks a pivotal development for businesses facing TCPA litigation, particularly those defending against claims related to unwanted text messages. Companies should review their compliance strategies in light of this ruling and monitor further developments as other courts consider the issue.

Please reach out to Benesch's Consumer Protection & Class Actions Team with any questions or to discuss how this decision may impact your business.