

## August 2023 Class Action Blog Summary

### CONTACTS

[David N. Anthony](#) | [Chad R. Fuller](#) | [Cindy D. Hanson](#) | [Scott Kelly](#) | [John C. Lynch](#) | [Lindsey B. Mann](#) | [William C. Mayberry](#) | [Kiran H. Mehta](#) | [Ethan G. Ostroff](#) | [Mark Payne](#) | [Thomas E. Reilly](#) | [Mary C. Zinsner](#)

---

What are the most significant judicial decisions affecting class action litigation, and how might they impact your business?

Our attorneys tackle these questions, and more, in our blog, [Consumer Financial Services Law Monitor](#). The following overview provides summaries of our most recent posts, which include case summaries, key takeaways, and practical insights affecting class action litigation.

Do you have a question or comment about the information presented in our posts? Please contact [Scott Kelly](#) and [Mary Zinsner](#), partners in our financial services litigation practice.

### About Our Class Action Practice

Troutman Pepper's national class action litigation team defends bet-the-company class actions across the U.S. We have successfully defended class actions in more than 35 states, including California, Florida, Illinois, and West Virginia.

We have a long track record of resolving class actions for clients in diverse industries and affecting a wide range of legal and business concerns. Our team includes attorneys whose practices are dedicated to sectors such as financial services, insurance, hospitals and health care, pharmaceuticals and medical devices, retail, higher education, and more. We offer a deep bench of experienced attorneys in areas such as debt collection practices, data breach, privacy, products liability, securities, mass tort, unfair business practices, labor and employment, environmental, ERISA, and antitrust.

---

### Featured Posts

#### [Homeowner Files Cert Petition Over Whether an HOA Assessment Qualifies as a “Credit Transaction” Under the FCRA](#)

The U.S. Supreme Court has been asked to decide whether a homeowner association (HOA) assessment constitutes a “credit transaction” under the Fair Credit Reporting Act (FCRA), which would open up an inquiry to the fundamental scope of one of the FCRA's most important permissible purposes.

[Read more](#)

#### [Ninth Circuit Affirms Dismissal of TCPA Case Involving Text Messages Holding “Prerecorded Voice Messages” Require Audible Component](#)

On August 8, a unanimous panel of the Ninth Circuit issued a decision affirming a district court's partial dismissal judgment entered in [Trim v. Reward Zone USA LLC](#), holding that text messages did not use prerecorded voices under the Telephone Consumer Protection Act (TCPA) because they did not include audible components.

[Read more](#)

### **California Federal Court Denied Class Certification in TCPA Case Where Plaintiff Arguably Requested Calls**

In [Wiley v. American Financial Network, Inc.](#), a district court judge in the Central District of California denied a motion for class certification in a Telephone Consumer Protection Act (TCPA) case, finding the defendant provided evidence suggesting the plaintiff invited the calls.

[Read more](#)

### **Eleventh Circuit Reverses Course and Holds a Single Text Message Constitutes TCPA Standing**

The Eleventh Circuit has now joined seven other circuits in holding that receipt of unwanted text messages constitutes concrete injury for standing. On July 24, the Eleventh Circuit issued an en banc decision in [Drazen v. Pinto](#), holding that a plaintiff who received a single, unwanted text message has standing to sue under the Telephone Consumer Protection Act (TCPA). The court departed from its earlier ruling in [Salcedo v. Hanna](#), which held that a single unsolicited text message is but a "brief, inconsequential annoyance [] categorically distinct from those kinds of real but intangible harms" that confer Article III standing.

[Read more](#)

### **New York District Court Approves Class Action in FDCPA Case Alleging Improper Debt Assignment Notification**

On August 18, a judge in the U.S. District Court for the Western District of New York granted the plaintiff's motion for class certification for alleged violations of the Fair Debt Collections Practices Act (FDCPA) relating to an allegedly improper debt assignment notification.

[Read more](#)

### **Crypto as "Funds" Under the EFTA – How a Court's Recent Ruling May Impact Virtual Currency Platform Operators**

In this episode of *The Crypto Exchange*, Troutman Pepper Partner Ethan Ostroff welcomes his colleagues Carlin McCrory and Addison Morgan to discuss a recent case in the Southern District of New York that has been in the news, [Rider v. Uphold HQ](#). In *Rider*, the court concluded that virtual currency platform operators may be subject to the Electronic Fund Transfer Act (EFTA) and Regulation E.

[Read more](#)

## **RELATED INDUSTRIES + PRACTICES**

- [Business Litigation](#)
- [Class Action](#)
- [Consumer Financial Services](#)
- [Financial Services Litigation](#)
- [Labor + Employment Litigation + Dispute Resolution](#)