

Supreme Court Issues Unanimous Opinion Limiting Scope of Telephone Consumer Protection Act (“TCPA”)



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This morning, the Supreme Court issued an unanimous opinion in *Facebook, Inc. v. Duguid* limiting the scope of the Telephone Consumer Protection Act (“TCPA”). We are still digesting the decision, but it holds that in order for the dialing technology to qualify as an automatic telephone dialing system, the technology must *dial* random or sequential numbers. The 9th Circuit had previously held that it was of no moment that Facebook’s technology did not *dial* random or sequential numbers and Facebook’s technology still qualified as an automatic telephone dialing system because it had the ability to merely *store* random or sequential numbers. Justice Sotomayor authored the opinion finding that “[t]he statutory context confirms that the autodialer definition excludes equipment that does not “us[e] a random or sequential number generator.” (quoting 47 U. S. C. §227(a)(1)(A)). The Court went on to state, in part, “[expanding the definition of an autodialer to encompass any equipment that merely stores and dials telephone numbers would take a chainsaw to these nuanced problems when Congress meant to use a scalpel.”