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SHELOWITZ LAW GROUP (SLG) WINS STUNNING DISMISSAL OF TCPA CLASS ACTION FOR SOFTWARE CLIENT AUTOREMIND, INC.

District Court Refuses to Impute Rogue Reseller's Actions to AutoRemind Following SLG's Obliteration of Agency Relationship Claims

New York, New York, June 25, 2019 – In a righteous victory for SLG client, AutoRemind, Inc., a New York City-based pioneer in patient messaging and reminder software, the U.S. District Court for the Northern District of Georgia dismissed all claims and rejected the Plaintiff's plea for early discovery in a potentially devastating Class Action brought under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (the "**TCPA**").

The lawsuit was triggered by a rogue Florida reseller's unauthorized transmission of an unsolicited fax mentioning AutoRemind's name and product offering. The TCPA prohibits transmission of unsolicited faxes and phone calls. The Plaintiff alleged: (i) that the rogue reseller was AutoRemind's agent; (ii) that AutoRemind violated the TCPA because AutoRemind's name and product appeared on the rogue reseller's unauthorized fax; and (iii) that the rogue reseller's unauthorized fax transmission created jurisdiction over AutoRemind in Georgia – where AutoRemind otherwise lacked any significant business contacts.

In a mortal blow to Plaintiff's case, the Court embraced SLG's position that there was no agency relationship between AutoRemind and the rogue reseller insofar as AutoRemind neither "supervised or controlled" the reseller. In highlighting the danger of the Plaintiff's claims, the Court echoed SLG's argument that "*allowing this type of agreement to constitute an agency relationship would be analogous to concluding that Best Buy is Microsoft's agent and can legally bind Microsoft simply by reselling Microsoft's products. Agency requires more than this.*" (*emphasis added.*) As such, the Court found that AutoRemind did not commit any tortious act in or out of Georgia and that there was no personal jurisdiction over AutoRemind in Georgia.

According to Mitch Shelowitz, lead defense counsel for AutoRemind, "This case is a wakeup call to every company that relies on resellers to promote their products and services. No company should engage resellers or distributors without written agreements that expressly disclaim an agency relationship. Furthermore, in light of the significant consequences from violations of the TCPA, every company should implement a TCPA compliance program that resellers and distributors are required to follow."

The case is captioned, *Ward Family Chiropractor LLC, et al. v. AutoRemind Inc., et al.*, 4:18-cv-251-TCB (N.D. Ga. June 18, 2019). For more information, please contact: Mitchell C. Shelowitz, Managing Partner, Shelowitz Law Group, email: mitch@shelgroup.com; Tel. 212-655-9384.

About Shelowitz Law Group - SLG is Looking Out for You*

Shelowitz Law Group, a member firm of *IR Global***, is an international law firm with offices in New York City and Tel Aviv, Israel, boasting an experienced litigation team that handles commercial, corporate, regulatory and intellectual property litigation in the federal and state courts and other tribunals in the United States. SLG is also adept in handling venture capital, private equity, angel, and private financings, mergers and acquisitions, joint ventures, licensing and commercial agreements, real estate transactions, employment matters, and trademark and copyright protection. SLG attorneys constantly strive to achieve successful outcomes for their clients, applying the highest professional standards.

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