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COUNTERPUNCH: Here's What the Plaintiff's Bar is Saying About Why Facebook May Not Be As Solid a Win for Callers as It First Appears

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The flurry of activity continues today following the big *Facebook* ruling and I wanted to make sure you all had the benefit of events on the ground.

As TCPA defendants begin making their [victory lap](#) I've already collected quite a bit of pushback from Plaintiff's lawyers arguing that we're overselling this thing.

Specifically, they look at footnote 7 and see an avenue toward ATDS claims continuing.

From their perspective *Facebook* only blesses systems that send text messages one to one in response to some human initiation or engagement, *not* all dialers that call from a list.

Argument is that *Marks* is still viable in certain settings thanks to footnote 7 and that predictive dialers might still be covered by the statute because the numbers are selected randomly or sequentially to be dialed from a list.

The Archduke will break this down further but this is a very interesting twist, even if it feels like a stretch.

Be sure to tune in [tomorrow to our webinar as we break this all down for you.](#)

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