

POWER LESS: Court Holds Mojo “Power Dialer” May Be an ATDS in Latest Facebook Setback

Article By:

Eric J. Troutman

Despite the promise of *Facebook*, the majority rule remains that ATDS complaints alleging the potential use of a predictive or power dialer are likely to survive the pleadings stage.

The latest such ruling involved the popular Mojo Power Dialing platform.

In *Macdonald v. Brian Gubernick Pllc*, No. CV-20-00138-PHX-SMB, 2021 U.S. Dist. LEXIS 216788 (D. Az. November 8, 2021) the Court permitted an amended complaint to be filed that alleged the Mojo system: “can then generate sequential numbers and store these sequential numbers in a database, to indicate the automatic dialing order for leads.”

That’s a straight Footnote 7 “dialing sequence” allegation folks, and the court bought it finding: “These allegations are sufficient to state a cause of action under the TCPA, even after Duguid.”

Not good.

© 2025 Troutman Amin, LLP

National Law Review, Volume XI, Number 333

Source URL: <https://natlawreview.com/article/power-less-court-holds-mojo-power-dialer-may-be-atds-latest-facebook-setback>