

ULTIMATE GAG ORDER?: Repeat TCPA Litigator Banned From Contacting SelectQuote and I Have Never Seen Anything Like It

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Not really sure what to make of this incredible order out Friday, but I figured I would share.

In *Human v. SelectQuote*, 2024 WL 149232 (E.D. Mo. Jan. 12, 2024) the two sides in a TCPA lawsuit are simply not getting along.

Indeed, apparently the parties have filed a *dozen motions* before the Court even held its first pre-trial conference.

Among these motions Daniel Human moved to strike SelectQuote's motion to dismiss arguing that SQ's counsel was not actually authorized to practice law in Missouri. The Court swiftly denied that motion—she was admitted pro hac vice—but it just shows the level of acrimony here.

To calm things down a bit the Court entered an order staying discovery, and threw shade at both parties in doing so:

There is good cause to stay discovery. The parties have shown that they cannot resolve basic issues without the Court's intervention. The Court has not yet held a pretrial conference, and the parties have already filed more than a dozen motions. Allowing these parties to engage in discovery before the Court rules on the pending motion to dismiss seems very likely to require unnecessary expense of time and effort on the part of the Court and the parties.

Eesh.

But in the end the Court was clearly most irritated at the Plaintiff and banned Human from communicating with the opposing side:

Plaintiff, Plaintiff's counsel, and anyone acting on behalf of Plaintiff or his counsel will not contact Defendants or their employees without the Court's leave. The Court may assess sanctions for violations of this Order.

Holy smokes.

I have been practicing for over 20 years now and I have never seen a party banned from communicating with an opposing side without leave of court. This is simply incredible.

Pretty clear that the Court wants this case on ice until it can rule on the motion to dismiss—which I am guessing will not go favorably for the Plaintiff.

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