

NO AVAILMENT: Money Map Press Defeats TCPA Suit On Jurisdictional Grounds

Article By:

Eric J. Troutman

Quick one for you—but potentially important.

Folks sometimes forget about personal jurisdiction. A defendant cannot be sued everywhere in the nation—only where he/she/it resides or where he/she/it has purposely availed itself of the benefits of that jurisdiction.

In a TCPA suit a defendant can generally be sued in every jurisdiction where it placed calls but not when it did not know it was calling into that jurisdiction.

For instance in *Ingram v. Money Map Press*, 2024 WL 3540993 (N.D. Cal. July 24, 2024) a defendant earned a dismissal by arguing a lack of jurisdiction.

In that *Ingram* the call was made to a Las Vegas telephone number by a Maryland company—but the suit was brought in California.

The Defendant argued the court could not exercise jurisdiction over it on these facts—and the Court agreed.

The Plaintiff tried to argue the Defendant knew it was calling into California but the Court was not having it—the Plaintiff never testified she provided her address to the company and the company provided a declaration stating it did not know it was calling a California resident.

So the defendant wins. Plaintiff loses.

Great.

Now the downside here is that the Plaintiff may re-file the suit in either Las Vegas or Maryland— but that might be tricky because she'd have to get a different attorney to represent here, potentially. It also means she will have to fly out of state for depositions, mediations, etc.

We'll keep an eye on this.

National Law Review, Volume XIV, Number 208

Source URL: <https://natlawreview.com/article/no-availment-money-map-press-defeats-tcpa-suit-jurisdictional-grounds>