

# PUT OUT THE FIRE!: Burning Man Project Hit with TCPA Complaint

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Hey TCPAWorld!

It looks like the temperature is rising on Burning Man Project in the Southern District of Florida! The nonprofit was just hit with a new complaint.

In *Pelaez v. Burning Man Project*, No. 1:24-cv-24658-RKA (S.D. Fla. Nov. 26, 2024), Plaintiff Pelaez alleges that Defendant Burning Man Project (“BMP”) sent two text messages to his cell phone on July 21, 2023, at 9:04 PM. Based on the screenshot Plaintiff provided, the first text message was an image with a BMP stamp that said:

NARCAN BULK PACK FOR BURNING MAN

4 DOSES FOR YOUR CAMP'S SAFETY

The second text included the following language:

Are you planning to attend Burning Man this year? We urge you to have Narcan in your first aid kit.

\$1.00 per dose! 25% off automatically applied at check out on all orders with 2 cases or more.

Just for Burners, use code “BURNINGMANTEN” for \$10 off orders of \$50+, use code “NARCAN BURNER” for \$25 off orders of \$100+.

For guaranteed delivery by August 18th, place orders before August 10th at <https://giveb.co/m/YXD16Z>

*Id.* at ¶ 11. Plaintiff alleges that he uses his cell phone for residential purposes, that the text messages were sent for solicitation purposes, and that he never authorized BMP to send him telephone solicitations before 8 AM or after 9 PM. He claims that these messages intruded the peace

and quiet of his private and personal life.

Based on these facts, Plaintiff charges that BMP violated 47 U.S.C. § 227(c) and 47 C.F.R. § 64.1200(c) by sending him two telephone solicitations after 9 PM. He also puts forth the following proposed class:

All persons in the United States who from four years prior to the filing of this action through the date of class certification (1) Defendant, or anyone on Defendant's behalf, (2) placed more than one text message (3) within any 12-month period; (4) for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services; and (5) where such text messages were initiated before the hour of 8 a.m. or after 9 p.m. (local time at the called party's location).

*Id.* at ¶ 20.

Stay tuned to find out how the dust settles on Burning Man Project.

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