

NO MORE FIRE!: Burning Man Project Voluntarily Dismissed

Article By:

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Just a few weeks ago, I reported that Burning Man Project was hit with a TCPA class action complaint in the Southern District of Florida. [PUT OUT THE FIRE!: Burning Man Project Hit With TCPA Complaint – TCPAWorld](#). Well, just yesterday, Judge Altman granted the Plaintiff's Notice of Voluntary Dismissal, thereby **dismissing all claims with prejudice in this action against Burning Man Project**. See Order, No. 1:24-cv-24658-RKA (S.D. Fla.), ECF No. 7.

What's more, the same day the Plaintiff filed his Notice of Voluntary Dismissal against Burning Man Project, the Plaintiff also filed an **amended** class action complaint **now listing Harm Reduction Circle as the defendant!** First Amend. Class Action Compl. 1, No 1:24-cv-24658-RKA (S.D. Fla. Dec. 9, 2024), ECF No. 4. This new complaint is identical: the Plaintiff alleges that Harm Reduction Circle sent two text messages to his cell phone on July 21, 2023, at 9:04 PM. The first text message contained an image with a BMP stamp that said:

NARCAN BULK PACK FOR BURNING MAN

4 DOSES FOR YOUR CAMP'S SAFETY

The second text read as follows:

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 texts were sent for solicitation purposes, and that he never consented to receive telephone solicitations before

8AM or after 9PM. He claims that they intruded into the peace and quiet of his personal life.

As such, Plaintiff claims that Harm Reduction Circle 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 again proposes the same 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!

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