

SOUR MORNING?: For Love and Lemons Faces TCPA Lawsuit Over Timing Violations

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Hi TCPAWorld! The Baroness here. And we've got a new filing. This time, we're taking a look at a case involving a popular clothing brand: *For Love and Lemons*.

Let's start with the allegations.

The plaintiff Michelle Huang alleges that on November 28 and 29, 2024, she received two text messages from For Love and Lemons.

However, this case isn't about the typical Do Not Call (DNC) Registry violation you might expect.

This case is actually brought under the time restrictions provisions of the TCPA.

Here's where it gets interesting: Huang asserts that she received the messages at 7:14 a.m. and 7:45 a.m. — times she says are outside the window in which businesses are allowed to send marketing messages. Specifically, she contends she never authorized For Love and Lemons to send texts before 8 a.m. or after 9 p.m. local time.

This is significant because under 64.1200(c)(1), “[n]o person or entity shall initiate any telephone solicitation” to “[a]ny residential telephone subscriber before the hour of 8 a.m. or after 9 p.m. (local time at the called party’s location).” 47 C.F.R. § 64.1200(c)(1).

Based on this alleged violation, Plaintiff sued For Love and Lemons for violations of Section 227(c) of the TCPA and 64.1200(c)(1).

In addition, she seeks to represent a class of individuals who received similar marketing texts outside the permissible hours:

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 marketing text message within any 12-month period; (3) where such marketing text messages were initiated before the hour of 8 a.m. or after 9 p.m. (local time at the called party's location).

It is not often that we see cases being filed pursuant to 64.1200(c)(1). But this is reminder that this provision exists!

Since this case was just filed, there is not much to report. But we will of course keep you folks updated as the case progresses.

Huang v. Love And Lemons LLC, Case No.: 2:25-CV-01391 (C.D. Cal).

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