

FROM CORN DOGS TO COURTROOMS: Sonic's Texts Might Cost More Than a Combo Meal

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Quick update here for you. Have you ever received a text about a fast food deal you never signed up for? Usually, I receive these texts because I signed up for some deal, like a free milkshake or a discount. That is the trade-off. You get a coupon; in return, you let them send you marketing you can opt out of. Well, Plaintiff in this newly filed class action lawsuit says he has, and he is taking Sonic Drive-In to court over it. The lawsuit, filed in the United States District Court for the Western District of Oklahoma, accuses Sonic of sending promotional texts to consumers who had placed their numbers on the National DNC Registry. See *Brennan v. Sonic, Inc.*, No. 5:25-CV-00280 (W.D. Okla. filed Mar. 4, 2025).

According to the Complaint, Plaintiff added his number to the DNC Registry on February 3, 2024. That should have stopped unsolicited marketing texts, but by March 6, Sonic was already sending him offers for grilled cheese and 99-cent corn dogs. The Complaint details texts sent on March 6, March 11, March 13, March 15, and March 20. Plaintiff claims he never provided his phone number to Sonic, never had a business relationship with them, and never opted into any rewards program. So how did Sonic get his number? Interesting...

The lawsuit argues that Sonic's "impersonal and generic" messages, their frequency, and the lack of consent all suggest that Sonic used an automatic telephone dialing system ("ATDS").

This is where things make me ponder. This is not Plaintiff's first TCPA lawsuit. He has previously filed complaints against Pizza Hut, DirecTV, Meyer Corporation, and Transfinancial Companies. That is a stacked lineup of big-name defendants. That track record raises some interesting questions. Is Plaintiff an unlucky mass marketing recipient or something else at play here? Is this about stopping unlawful texts, or is Plaintiff turning TCPA enforcement into a side hustle? Either way, it puts Sonic in a tough spot. This is where Troutman Amin always steps up to the plate for stellar legal work.

Beyond the Plaintiff's individual claims, this lawsuit covers a broader group of consumers who allegedly received these messages. The Complaint defines two classes. The DNC Registry Class includes those on the registry but still got texts. Additionally, the Autodialed Text Class covers anyone who received automated marketing texts from Sonic without providing written consent.

If the Court sides with Plaintiff, Sonic might find itself in a legal pickle that no amount of tots and

milkshakes can fix—no pun intended. We'll be sure to keep you posted.

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