



## *Burr Consumer Finance Litigation Blog: Sixth Circuit Weighs in on TCPA "Prior Express Consent"*

Articles / Publications  
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Nashville-based attorney, Holly Rhea, wrote an article for the Burr Consumer Finance Litigation Blog. The article was written on August 28, 2015 and titled *Sixth Circuit Weighs in on TCPA "Prior Express Consent."*

The U.S. Court of Appeals for the Sixth Circuit recently addressed both the timing and scope of "prior express consent" under the Telephone Consumer Protection Act ("TCPA"). The plaintiff in *Stephen M. Hill v. Homeward Residential, Inc.*, - F.3d -, No. 14-4168 (6<sup>th</sup> Cir. Aug. 21, 2015) alleged that his mortgage lender violated the TCPA by calling his cell phone using an autodialer in an attempt to contact him related to a mortgage debt he owed. The plaintiff did not provide his cell phone number when the mortgage was originated, but provided it three years later by contacting the mortgage lender to advise that his primary number was now his cell phone number. Subsequently, the plaintiff also listed his cell phone number on a modification agreement, on loss mitigation forms, and on a written consent form. The district court denied both parties' summary judgment motions, determining genuine issues of material fact existed regarding whether the defendant called with an autodialer and whether the plaintiff offered his cell phone number to the defendant. The jury rendered a verdict for the defendant after a one-day trial.

For the full article, you may [click here](#).