

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
ILLINOIS, EASTERN DIVISION

Devin Rabbitt, individually and on behalf of all others similarly
situated v. Rohrman Midwest Motors, Inc. d/b/a Arlington Acura

Rabbitt · No. No. 25 C 11312 · Decided March 27, 2026

SUMMARY

The United States District Court for the Northern District of Illinois denied Rohrman Midwest Motors, Inc.'s motion to dismiss a putative class action alleging violations of the Telephone Consumer Protection Act. The court held that 47 U.S.C. § 227(c)(5) applies to unsolicited telemarketing text messages and to cellular-phone subscribers participating in the national do-not-call registry. The court concluded that the plaintiff plausibly stated a TCPA claim and directed the defendant to answer.

CASE DETAILS

COURT	United States District Court for the Northern District of Illinois, Eastern Division
WRITING FOR THE COURT	Robert W. Gettleman
JURISDICTION	United States District Court for the Northern District of Illinois, Eastern Division
DECIDED	March 27, 2026
DOCKET	No. 25 C 11312
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought a one-count putative class action under the Telephone Consumer Protection Act. Defendant moved to dismiss under Federal Rule of Civil Procedure 12(b)(6).
STANDARD OF REVIEW	On a motion to dismiss, the court construed the factual allegations as true and drew all reasonable inferences in plaintiff's favor. For the statutory question, the court independently determined the meaning of the TCPA under ordinary principles of statutory interpretation while affording appropriate respect to the FCC's interpretation.
PRECEDENTIAL VALUE	unknown

TOPICS

consumer protection

statutory interpretation

motions to dismiss

class actions

administrative law

PRACTICE AREAS

consumer protection

telecommunications law

civil procedure

administrative law

QUESTIONS PRESENTED

1. Whether 47 U.S.C. § 227(c)(5) authorizes a private right of action for violations involving unsolicited telemarketing text messages.
2. Whether the TCPA's protections for residential telephone subscribers under § 227(c) extend to cellular-phone subscribers.
3. Whether plaintiff plausibly stated a TCPA claim based on alleged unsolicited telemarketing messages sent despite registration on the national do-not-call registry.

HOLDINGS

1. Section 227(c)(5)'s private right of action applies to text messages when they violate regulations promulgated under § 227(c)(1).
2. The TCPA's § 227(c) protections and private right of action apply to cellular-phone subscribers, including cellular numbers registered on the national do-not-call registry.
3. The complaint plausibly stated a TCPA claim because it alleged that defendant initiated multiple telephone solicitations to plaintiff and putative class members despite their registration on the national do-not-call registry.
4. The arbitrary-and-capricious standard under the Administrative Procedure Act did not govern because defendant was not asking the court to set aside FCC action under the APA, but merely asking the court not to defer to the FCC's interpretation.

KEY QUOTATIONS

“Using the ordinary principles of statutory interpretation, the court finds that § 227(c)(5) applies to text messages sent to cellular phones.” (Discussion)

“The court finds that § 227(c)(5) applies to text messages.” (Discussion)

“For the above reasons, the motion to dismiss (Doc. 14) is denied.” (Conclusion)

FACTUAL BACKGROUND

Plaintiff registered her phone number with the national do-not-call registry. Defendant allegedly sent her multiple unsolicited telemarketing text messages after that registration. Plaintiff alleged that the messages violated 47 U.S.C. § 227(c)(5) and 47 C.F.R. § 64.1200(c).

PROCEDURAL HISTORY

Devin Rabbitt alleged that Rohrman Midwest Motors sent multiple unsolicited telemarketing text messages to a telephone number registered on the national do-not-call registry. Defendant moved to dismiss, arguing that the TCPA private right of action does not cover text messages and applies only to residential landlines. The district court denied the motion, held that the TCPA provision applies to text messages and cellular phones, found the complaint plausibly stated a claim, and directed defendant to answer.

DISPOSITION

other

CASES CITED

- *McLaughlin Chiropractic Associates, Inc. v. McKesson Corp.*, 606 U.S. 146, 155, 162 (2025)
- *Loper Bright Enterprises v. Raimondo*, 603 U.S. 369, 402, 412 (2024)
- *Food & Drug Administration v. Brown & Williamson Tobacco Corp.*, 529 U.S. 120, 133 (2000)
- *Gustafson v. Alloyd Co.*, 513 U.S. 561, 569 (1995)
- *Satterfield v. Simon & Schuster, Inc.*, 569 F.3d 946, 952 (9th Cir. 2009)
- *Campbell-Ewald Co. v. Gomez*, 577 U.S. 153, 157 (2016), as revised (Feb. 9, 2016)
- *Hernandez v. Beford Dental, L.L.C.*, No. 25 CV 6787, at 2 (N.D. Ill. Feb. 4, 2026)
- *Halliburton Co. v. Erica P. John Fund, Inc.*, 573 U.S. 258, 274 (2014)
- *John R. Sand & Gravel Co. v. United States*, 552 U.S. 130, 139 (2008)
- *Skidmore v. Swift & Co.*, 323 U.S. 134, 140 (1944)
- *Loudermilk v. Maelys Cosmetics USA, Inc.*, 2025 WL 3625779, at *3 (N.D. Ga. Dec. 11, 2025)
- *Radvansky v. 1-800-FLOWERS.COM, Inc.*, 2026 WL 456919, at *2 (N.D. Ga. Feb. 17, 2026)
- *Showers v. Pelican Investment Holdings Group, LLC*, No. 3:23-CV-02864-NJR, 2026 WL 251730, at *6 (S.D. Ill. Jan. 30, 2026)
- *Virnich v. Vorwald*, 664 F.3d 206, 212 (7th Cir. 2011)

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