

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
GEORGIA, ATLANTA DIVISION

Veronica Bramlett v. RES 360 LLC and Peach City Properties LLC

No. 1:25-cv-3312-MLB (N.D. Ga. Mar. 4, 2026) · No. 1:25-cv-3312-MLB · Decided March 4, 2026

SUMMARY

The United States District Court for the Northern District of Georgia considers whether text messages offering to purchase a homeowner’s property constituted telephone solicitations under the Telephone Consumer Protection Act. The court holds that the plaintiff plausibly alleged the defendants implicitly offered related real estate services in connection with the proposed purchase, while dismissing other alleged solicitation theories. The defendants’ motion to dismiss is therefore granted in part and denied in part.

CASE DETAILS

COURT	United States District Court for the Northern District of Georgia, Atlanta Division
WRITING FOR THE COURT	Ma L. Brown
JURISDICTION	United States District Court for the Northern District of Georgia
DECIDED	March 4, 2026
DOCKET	1:25-cv-3312-MLB
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff's Telephone Consumer Protection Act telephone-solicitation claims for failure to state a claim.
STANDARD OF REVIEW	On a motion to dismiss, the court accepts well-pleaded factual allegations as true and determines whether the complaint contains sufficient factual matter to state a facially plausible claim for relief.
PRECEDENTIAL VALUE	Unpublished federal district court opinion; nonprecedential and persuasive only.
PARTIES	Veronica Bramlett v. RES 360 LLC, Peach City Properties LLC

TOPICS

- consumer protection
- statutory interpretation
- motions to dismiss
- real estate
- civil procedure

PRACTICE AREAS

consumer protection

telephone consumer protection

real estate

civil procedure

QUESTIONS PRESENTED

1. Whether Defendants' text messages plausibly constituted telephone solicitations under the TCPA because they implicitly encouraged Plaintiff to purchase related real-estate services.
2. Whether the complaint plausibly supported additional theories that the messages encouraged Plaintiff to purchase loan services, investment opportunities, home construction or renovation, conventional real-estate brokerage representation, or a home directly from Defendants.
3. Whether Plaintiff's TCPA theories should be dismissed under the facial-plausibility standard.

HOLDINGS

1. A complaint plausibly states that text messages offering to purchase a recipient's home were telephone solicitations where, viewed in the context of the defendants' alleged business model, the messages implicitly encouraged the recipient to purchase related real-estate services for a fee.
2. The complaint did not plausibly support theories that Defendants' messages encouraged Plaintiff to purchase loan services, investment opportunities, home construction, home renovation, conventional real-estate brokerage representation, or a home directly from Defendants.
3. Defendants' motion to dismiss was granted in part and denied in part because Plaintiff plausibly alleged one theory of TCPA telephone solicitation but not the additional theories.

KEY QUOTATIONS

“The TCPA defines a telephone solicitation as “the initiation of a telephone call or message for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, which is transmitted to any person.”” (Discussion)

“Reading these messages in the light of Defendants’ alleged business model—that is, reading the messages in “context”—it is plausible that Defendants were trying to sell their real estate services when they offered to buy Plaintiff’s home.” (Discussion)

“Defendants’ Motion to Dismiss (Dkt. 14) is GRANTED IN PART and DENIED IN PART.” (Conclusion)

FACTUAL BACKGROUND

In early 2024, Defendants sent Plaintiff several text messages offering to buy her home and describing the transaction as quick, easy, straightforward, and hassle-free. Plaintiff was listed on the national do-not-call registry, had no prior relationship with Defendants, had not requested their assistance, and was not interested in selling her home. Plaintiff alleged that Defendants' business model involved purchasing homes while charging homeowners fees for related real-estate services, including appraisal, title and escrow services, and preparation of purchase paperwork.

PROCEDURAL HISTORY

Plaintiff filed a putative class action alleging that Defendants sent her unsolicited text messages offering to buy her home in violation of the TCPA. Defendants moved to dismiss. The court granted the motion in part as to several theories of telephone solicitation and denied it in part as to the theory that Defendants implicitly offered related real-estate services in connection with purchasing Plaintiff's home.

DISPOSITION

other

CASES CITED

- Ashcroft v. Iqbal, 556 U.S. 662, 678–79 (2009)
- Bell Atl. Corp. v. Twombly, 550 U.S. 544, 570 (2007)
- Moonsawmy v. JWS Acquisitions, LLC, 2024 WL 6910422, at *2–3 (N.D. Ga. July 18, 2024)
- Golan v. Veritas Ent., LLC, 788 F.3d 814, 820 (8th Cir. 2015)

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