

Life Time Fitness Reaches Robotext Class Settlement

JANUARY 11, 2016

Life Time Fitness, Inc., recently obtained final approval for a settlement of between \$10 and \$15 million with a class of plaintiffs alleging that the fitness chain sent unsolicited marketing text messages in violation of the TCPA. In their complaint, the class of nearly 600,000 plaintiffs claimed that between January and April of 2014, Life Time used automated text message software to send thousands of text messages to recipients without prior express written consent. In response, Life Time argued that that class members consented to receiving advertising texts by voluntarily providing their phone numbers prior to the 2013 amendment to the FCC regulations requiring written consent before sending advertising texts.

According to Life Time, it had obtained consent appropriately prior to the October 2013 implementation of the revised regulations. Life Time argued that the new regulation only operates prospectively and did not cancel consent from consumers who provided telephone numbers before October 16, 2013. At the time it revised its regulations, however, the FCC had indicated that “[o]nce our written consent rules become effective...an entity will no longer be able to rely on non-written forms of express consent to make autodialed or prerecorded voice telemarketing calls.” The final award includes \$2.8 million in attorney’s fees and expenses and a \$3,000 service award to each class representative. Other class members will receive either a cash award or a Life Time Fitness membership.

Tip: This case is a reminder that companies should be getting written, signed consent before sending autodialed advertising text messages to address TCPA consent requirements.

1 Min Read

Author

[Eric Shinabarger](#)

Related Locations



Chicago

Related Topics

Communications Privacy

Consumer Privacy

Related Capabilities

Privacy & Data Security

Related Regions

North America

Related Professionals



Eric Shinabarger

This entry has been created for information and planning purposes. It is not intended to be, nor should it be substituted for, legal advice, which turns on specific facts.