

# TCPA Tracker: November-December 2025

January 14, 2026

## **Table of Contents**

[I. Central District of California Dismisses TCPA Claim Because of Emergency Purpose Exception](#)

[II. Central District of California Grants Request to Appeal to Determine Whether Text Messages Are Covered Under TCPA](#)

### **I. Central District of California Dismisses TCPA Claim Because of Emergency Purpose Exception**

The United States District Court for the Central District of California granted Defendant Monarch Healthcare, A Medical Group, Inc.'s motion to dismiss.

Plaintiff Liseth Aguirre alleged she received phone calls from Defendant that were intended to reach someone else. Plaintiff alleged that Defendant used artificial or pre-recorded voices when placing the calls, asserting a claim under 47 U.S.C. § 227(b). Defendant moved to dismiss on the grounds that the phone calls were placed for emergency purposes and not subject to the TCPA. As part of this argument, Defendant averred that the calls were not intended for Plaintiff.

The court agreed with Defendant, finding that the calls fall within the emergency purpose exception. The court was persuaded by the FCC's interpretation of the exception, which broadly covers "calls made necessary in any situation affecting the health and safety of consumers." Unlike calls relating to health services and benefits, the calls at issue pertained to health insurance authorization approval, which is time-sensitive and imperative for care.

The court noted Plaintiff's failure to communicate to Defendant that she was not the intended caller or that Defendant should cease contact, further supported a finding that her complaint was insufficiently pled. Additionally, the court found that wrong-number calls did not defeat the emergency purpose exception. As a result, Plaintiff's complaint was dismissed for failing to state a claim upon which relief could be granted.

*Aguirre v. Optum Health Plan of Ca., 2025 WL 3190830, 2025 U.S. Dist. LEXIS 226675 (C.D. Cal. Oct. 24, 2025).*

### **II. Central District of California Grants Request to Appeal to Determine Whether Text Messages Are Covered Under TCPA**

The United States District Court for the Central District of California denied Defendant Hugo Boss Fashions, Inc.'s motion to dismiss but granted Defendant's request for an interlocutory appeal.

Plaintiff Nikolay Dilanyan alleged he received 289 text messages to his personal cell phone between March 12, 2022, and May 8, 2025. Plaintiff asserted a claim under 47 U.S.C. § 227(c)(5), alleging that

the text messages were sent before 8 a.m. and after 9 p.m., thereby violating the statute's time-of-day restrictions. Defendant moved to dismiss on the grounds that Plaintiff had no right of action because text messages are not covered under Section 227(c)(5) of the TCPA.

Interpreting the ordinary meaning of "telephone calls," the court agreed with Defendant that text messages fall outside the scope of Section 227(c). Specifically, the court emphasized that text messages did not exist when the TCPA was enacted in 1991, and that calls and text messages are two distinct forms of communication to ordinary people in present times. Nonetheless, the court concluded that it was bound by Ninth Circuit precedent in *Satterfield v. Simon & Schuster, Inc.*, which treats texts messages as calls under the TCPA.

The court agreed with Defendant that the issue was appropriate for interlocutory appeal, citing the controlling question of law, substantial grounds for difference of opinion, and that a ruling on appeal that text messages do not constitute "telephone calls" under Section 227(c)(5) of the TCPA would mandate dismissal of the instant action. As a result, the litigation was stayed pending resolution of the interlocutory appeal.

*Dilanyan v. Hugo Boss Fashions, Inc.*, 2025 WL 3549868, 2025 U.S. Dist. LEXIS 254358 (C.D. Cal. Dec. 3, 2025).

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