

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

NORMA WILLIAMS, et al.,	}	
	}	
Plaintiffs,	}	
	}	
v.	}	Case No.: 2:15-cv-919-MHH
	}	
SANTANDER CONSUMER USA, INC.,	}	
	}	
Defendant.	}	

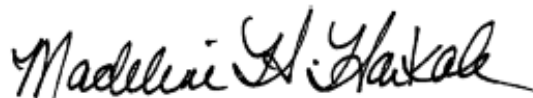
MEMORANDUM OPINION AND ORDER

The plaintiffs in this action allege that defendant Santander Consumer USA violated the Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227(b)(1)(A)(iii), by using an automatic telephone dialing system to call the plaintiffs’ cell phones without the plaintiffs’ prior express consent. (Doc. 1, ¶¶ 31–51; *see* Doc. 50, p. 4). Santander argues that the TCPA, as amended by the Bipartisan Budget Act of 2015, violates the First Amendment. (Doc. 50, p. 4; Doc. 26, pp. 4–5; *see also* Doc. 86, pp. 4–5 in Case No. 2:14-cv-2104-MHH). Therefore, Santander argues, because the TCPA is invalid, the Court should enter judgment on the pleadings in its favor pursuant to Federal Rule of Civil Procedure 12(c). (Doc. 50, p. 4).

On October 19, 2015, the Court consolidated this action and Case No. 2:14-cv-2104-MHH, *Carmen Woods, et al. v. Santander Consumer USA, Inc., et al.* (Doc. 20). According to Santander, “there are no material differences between how the TCPA claims are pleaded in the *Carmen Woods* matter and how the TCPA claims are pleaded in [*sic*] *Norma Williams* matter.” (Doc. 50, ¶ 8). Thus, “instead of submitting new memoranda of law, [Santander] joins and incorporates [in its motion for judgment on the pleadings] the arguments raised in [its motion to dismiss the plaintiffs’ fourth amended complaint in Case No. 2:14-cv-2104].” (Docs. 50, 86).

The Court **ADOPTS** the reasoning and conclusions of its memorandum opinion denying Santander’s motion to dismiss the plaintiffs’ fourth amended complaint in Case No. 2:14-cv-2104. (Doc. 111, 2:14-cv-2104). Accordingly, the Court **DENIES** Santander’s motion for judgment on the pleadings in this case. (Doc. 50).

DONE and **ORDERED** this March 30, 2017.



MADELINE HUGHES HAIKALA
UNITED STATES DISTRICT JUDGE