

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 19-CV-12412-RWZ

HANS TIEFENTHALER

v.

TARGET CORPORATION

ORDER

February 17, 2021

ZOBEL, S.D.J.

Hans Tiefenthaler (“plaintiff”), on behalf of a putative national class, alleges that Target Corporation (“Target” or “defendant”) or their agents sent text messages in violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, Docket # 1. Plaintiff has moved to compel production of documents, Docket # 23.

Generally, plaintiff seeks information about the “Target Circle” program and defendants’ adherence to the TCPA. Defendant contends that the requested documents are neither relevant nor proportional to the needs of the case because the TCPA does not apply to Target Circle communications. Specifically, Target argues that the TCPA is inapplicable because (1) the text messages at issue were not sent using an automated telephone dialing system, (2) the texts were sent with consent, and (3) the texts were not solicitations or part of any marketing campaign.¹ None of these facts, however, are in evidence nor do both parties agree thereto. Absent a resolution of the

¹ Target states that a Target customer inadvertently input a wrong number at checkout while enrolling in the Target Circle rewards program.

applicability of the TCPA, the motion is not ripe. A further conference with counsel will be held on March 9, 2021 at 10:30 a.m.

February 17, 2021

DATE



RYA W. ZOBEL
UNITED STATES DISTRICT JUDGE