

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

TORREY GRAGG, on his own behalf and on behalf of similarly situated persons,

Plaintiff,

V.

ORANGE CAB COMPANY, INC., a Washington corporation; and RIDECHARGE, INC., a Delaware corporation d/b/a TAXI MAGIC,

## Defendants.

Case No. C12-0576RSL

ORDER DENYING PLAINTIFF'S  
CROSS-MOTION FOR PARTIAL  
SUMMARY JUDGMENT

This matter comes before the Court on “Plaintiff’s Cross Motion for Partial Summary Judgment or, Alternatively, Summary Adjudication.” Dkt. # 85. Plaintiff seeks summary judgment on the merits of his Telephone Consumer Protection Act (“TCPA”) claim or, in the alternative, a determination of material facts that are not genuinely in dispute. The Court has already determined that defendants’ TaxiMagic program is not an automatic telephone dialing system (“ATDS”) but is in fact a limited setup which relies on human intervention to transmit dispatch notifications to customers. Because plaintiff failed to raise a genuine issue of material fact regarding his TCPA claim, summary judgment was granted in defendants’ favor. Plaintiffs’ cross-motion for summary judgment on the same claim is therefore DENIED.<sup>1</sup>

<sup>1</sup> Plaintiff did not request oral argument on defendants' motion for summary judgment. Because the matter has already been decided, his current request for oral argument is DENIED.

**ORDER DENYING PLAINTIFF'S CROSS-MOTION  
FOR PARTIAL SUMMARY JUDGMENT**

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2 Dated this 14th day of February, 2014.  
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Robert S. Lasnik  
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Robert S. Lasnik  
United States District Judge