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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

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

10 Plaintiff,

11 v.

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

16 Defendants.

Case No. C12-0576RSL

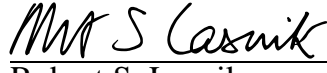
ORDER DENYING PLAINTIFF'S
CROSS-MOTION FOR PARTIAL
SUMMARY JUDGMENT

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

26 ¹ 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

1 Dated this 14th day of February, 2014.

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4 Robert S. Lasnik
United States District Judge