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# BB&K Wins Dismissal of Anti-Spam Suit

Case Demonstrates Ongoing Abuse of the Law Against Email Companies

Best Best & Krieger LLP attorneys Damian Moos and Daniel Richards won dismissal of federal unlawful email advertising lawsuit against a webmail service company that was wrongly targeted. U.S. District Court Judge Maxine Chesney, sitting in the Northern District of California, ruled Sept. 22 that California’s anti-spam law (California Business & Professions Code 17529.5) does not impose liability on parties that merely send or initiate an email message that would otherwise violate the law. It only imposes liability on parties that “advertise” in the messages.

Online marketing, scams and inbox overload are hot button and decisive issues for both consumers and businesses. However, webmail businesses, like BB&K client Panda Mail, are being unfairly targeted for activities that are not unlawful. For years, plaintiffs and their attorneys — like those who brought this action — have filed lawsuits against companies that advertise in unsolicited commercial email messages, as well as the entities that send the messages and/or advertising networks that link up the advertisers with the mailers. Most of these lawsuits are “strike” suits — lawsuits that have little merit, but are often cheaper to settle than defend. Accordingly, for more than a decade, advertising networks and email publishers (aka mailers) have had to deal with these lawsuits and, more often than not, settle them. Many of these companies are not large conglomerates, but small businesses that suffer for these extortionist-type schemes.

The case is *Mira Blanchard, et al v. Fluent, Inc., et al*, 17-CV-04497.

[Read news coverage of this decision by clicking here.](#)

## People



**Damian M. Moos**

PARTNER

(949) 263-6570



**Daniel Richards**

ASSOCIATE

(949) 263-2619

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