

# WRF Wins Summary Judgment in Critical Spam Litigation

July 12, 2004

Washington, DC-A Utah judge issued orders granting summary judgment to WRF clients who were two of more than a thousand companies and individuals sued by the same plaintiffs' firm for their alleged connection to unsolicited emails or spam in purported violation of Utah's Unsolicited Commercial and Sexually Explicit Email Act and under a novel theory of common law trespass to chattels.

In March 2004, the Utah court granted summary judgment to WRF's clients on plaintiffs' claim under the Utah Act and, in one of the first decisions in the country to address the preemptive effect of the federal CAN-SPAM Act, held that plaintiffs' state law claim was preempted under the CAN-SPAM Act. [Read opinion.](#)

In minute orders released on July 8, 2004, the same Utah court also granted summary judgment to WRF's clients on the sole remaining count in each suit, rejecting plaintiffs' claim that the alleged sending of a single unsolicited email message to their computers was a trespass to chattels. [Read opinion.](#)

Plaintiffs are expected to appeal both rulings in both cases.

## Practice Areas

- Issues and Appeals
- Telecom, Media & Technology
- TMT Appellate
- Litigation
- Class Actions and Complex Multi-Jurisdiction Litigation
- Enforcement of Arbitration Clauses
- Federal Preemption
- First Amendment/Commercial Speech
- Judicial Review of Agency Action
- Rights-of-Way Litigation and Counseling
- Tower Siting and Wireless Facilities Access
- Video Programming and Cable Franchising
- Privacy, Cyber & Data Governance