



Joseph C. Wylie II

Partner

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OVERVIEW

Joseph Wylie's practice focuses on complex class-action defense and complex commercial litigation with a particular emphasis on consumer and securities matters. He represents clients in defending against a wide range of individual and class-action consumer claims, including consumer fraud actions and claims brought under the Telephone Consumer Protection Act. He also represents investment advisers and mutual fund families in connection with government investigations and investor claims, including claims made under the Investment Company Act. Joseph also represents clients in business tort litigation, including lawsuits concerning enforcement of noncompetition and nonsolicitation agreements, misappropriation of trade secrets, and breaches of commercial and employment contracts. Joseph represents clients involved in disputes concerning the management and control of limited partnerships, limited liability companies, and closely-held businesses, including lawsuits concerning alleged breaches of fiduciary duties.

PROFESSIONAL / CIVIC ACTIVITIES

- Chicago Bar Association
- Illinois State Bar Association
- American Bar Association

EDUCATION

- J.D., Georgetown University Law Center, 1999 (*cum laude*; *Notes and Comments Editor, Georgetown Law Journal*)
- B.A., University of California, Berkeley, 1996

ADMISSIONS

- Bar of Illinois
- United States Court of Appeals for the Ninth Circuit

- United States Court of Appeals for the Seventh Circuit
- United States Court of Appeals for the Third Circuit
- United States District Court for the Central District of Illinois
- United States District Court for the Eastern District of Michigan
- United States District Court for the Eastern District of Wisconsin
- United States District Court for the Northern District of Illinois
- United States District Court for the Northern District of Indiana
- United States District Court for the Western District of Wisconsin

THOUGHT LEADERSHIP *POWERED BY HUB*

- 9 May 2023, Florida Legislature Passes Bill to Bring Common-Sense Changes to the Florida Telephone Solicitation Act
- 3 May 2023, Florida Legislature Passes Bill to Bring Common-Sense Changes to the Florida Telephone Solicitation Act
- 14 December 2022, Ninth Circuit Answers Lingering Question on Scope of 'Autodialer'
- 25 October 2022, Ninth Circuit Weighs Impact of "Mixed Use" of Wireless Numbers on Do Not Call Regulations
- 23 May 2022, Washington Becomes Latest State to Tighten Restrictions on Telemarketing
- 23 June 2021, Florida Law Would Dramatically Expand Autodialer Restrictions
- 1 April 2021, It's No Joke: In 1 April 2021 Decision, Supreme Court Significantly Limits Definition of "ATDS" Under the TCPA
- 10 December 2020, Supreme Court Hears Argument on Definition Of ATDS Under TCPA
- 10 July 2020, Supreme Court Agrees to Review Growing Circuit Split on Definition of ATDS
- 7 July 2020, Supreme Court Declares TCPA Government-Debt Exception Unconstitutional but Severs Provision to Preserve Remainder of TCPA
- 1 July 2020, The FCC Clarifies the Definition of ATDS
- 13 April 2020, Second Circuit Goes Against the Tide; Adopts Broad Definition of Autodialer
- 20 March 2020, COVID-19: UPDATED Emergency and Healthcare Calls and Texts
- 10 March 2020, COVID-19: NY State of Emergency Imposes Ban on Telemarketing Calls

- 25 February 2020, *Strength in Numbers*: The Seventh Circuit Joins the Third and Eleventh Circuits in Limiting the Definition of an Automatic Telephone Dialing System under the TCPA
- 30 July 2019, Circuit Court Affirms Holding Reducing TCPA Award by 98%
- 25 June 2019, Supreme Court Declines to Define Scope of Deference Courts Should Apply to FCC TCPA Orders
- 22 March 2019, Attorneys General Express Widespread Support for TRACED Act Reintroduced in the Senate to Stop Illegal Robocall Scams
- 14 December 2018, FCC Votes to Create Reassigned Numbers Database
- 3 December 2018, District Court Adopts Narrow ATDS Interpretation, Dismisses TCPA Suit
- 27 November 2018, Bipartisan Bill Introduced In The Senate To Thwart Illegal Robocall Scams
- 14 November 2018, U.S. Supreme Court To Rule On Hobbs Act Deference To FCC's TCPA Rules
- 5 October 2018, In Wake of ACA Int'l, Ninth Circuit Adopts Expansive Definition of ATDS
- 23 May 2018, FCC Seeks Comment on TCPA Following D.C. Circuit's Decision in ACA International
- 9 May 2018, Trade Groups Petition the FCC to Adopt a Narrow Interpretation of Autodialer Under the TCPA
- 16 March 2018, The D.C. Circuit Calls Out the FCC – Striking Key Elements of Its 2015 TCPA Order, While Upholding Certain Provisions
- 2 February 2018, District Court Dismisses TCPA Class Action for Pharmacy Reminder Calls Under “Emergency Purposes” Exception
- 8 January 2018, Second Circuit Affirms Dismissal of Action Against Healthcare Provider but Cautions Careful Review of TCPA Exemptions
- 7 December 2017, District Court Dismisses TCPA Complaint Because Plaintiff Failed to Follow Defendant's Opt-Out Instructions
- 21 September 2017, District Court Decertifies TCPA Class Following Invalidation of Solicited Fax Rule
- 30 August 2017, District Court Denies Class Certification in TCPA Case; Finds No Injury Possible Where Call Recipients Consented to Calls, Even if Consent Not in Writing
- 18 July 2017, District Court Confirms That Text Messages Completing Consumer-Initiated Transaction Are Not Telemarketing
- 26 June 2017, Second Circuit Holds That Contractual Consent May Not Be Unilaterally Revoked Under The TCPA
- 16 June 2017, U.S. House Judiciary Committee Examines Lawsuit Abuse and the TCPA
- 9 June 2017, Dish Network Ordered to Pay \$280 Million Fine, Damages in Federal TCPA Lawsuit

- 26 May 2017, Dish Network to Pay \$61.5 Million in Damages After TCPA Trial
- 27 April 2017, Rite Aid Wins Summary Judgment in TCPA Class Action for Flu Shot Reminder Calls
- 4 April 2017, D.C. Circuit Holds that FCC Lacks Authority to Require Opt-Out Notices for Solicited Faxes, Vacates FCC Order
- 27 March 2017, FCC Begins Rulemaking Process to Allow Blocking of “Spoofed” Number Calls
- 27 March 2017, FCC Begins Rulemaking Process to Allow Blocking of “Spoofed” Number Calls
- 1 March 2017, Proposed Fairness in Class Action Litigation Act of 2017 Seeks to Curb Attorney Abuses of Class Action Device and Expand Class Action Defendant Protections
- 1 March 2017, FCC Solicits Comments on Petitions Seeking Clarification of “Prior Express Consent”
- 17 February 2017, Second Circuit Affirms Denial of Class Certification in TCPA Case on Ascertainability Grounds Due to Lack of Recipient List
- 7 February 2017, Rep. Virginia Foxx Seeks to Prohibit Political Robocalls to Numbers on Do-Not-Call Registry
- 6 February 2017, Ninth Circuit Finds Article III Standing, Dismisses TCPA Action for Failure to Effectively Revoke Consent
- 25 January 2017, Jury Awards \$20M Verdict For Violation of National Do-Not-Call Rules
- 23 January 2017, Ajit Pai to be Named New FCC Chairman
- 10 January 2017, Court Reaffirms Dismissal of TCPA Claims By Professional Plaintiff
- 7 January 2017, New House Energy & Commerce Committee Leaders Good News for TCPA Reform
- 23 December 2016, Sixth Circuit Reverses Denial of Class Certification and Dismissal Under Rule 68 in Purported Unsolicited Fax Case
- 15 December 2016, FCC Chairman Tom Wheeler Announces He Will Not Serve Out Term under New Administration
- 5 December 2016, Courts Continue to Be Skeptical of Professional Plaintiffs in TCPA Cases
- 2 December 2016, FCC Reiterates Its position that Robotexts are Subject to TCPA
- 27 October 2016, Second Circuit Finds Offer of Judgment on Individual Claims Negates Standing for Class
- 21 October 2016, D.C. Circuit Keeps the Conversation Going in ACA Challenge to FCC’s 2015 Order
- 1 September 2016, Professional Plaintiffs Beware: Courts Dismiss TCPA Claims on Standing Grounds
- 15 August 2016, District Court Finds Social Media Company Is Not “Sender” of Calls Under TCPA
- 11 August 2016, FCC Clarifies TCPA Applicability for Certain Calls from Utilities, Schools
- 13 July 2016, Seventh Circuit Reaffirms Stance On Sender Liability In TCPA Fax Litigation

- 12 July 2016, FCC Finds Federal Government and its Contractors Immune From TCPA Liability
- 6 July 2016, Twitter Loses Summary Judgment Bid in TCPA Claim
- 19 May 2016, Supreme Court Decision on Article III Injury-in-Fact in Spokeo Potentially Impacts Class Certification
- 16 May 2016, Political Organizations Mount First Amendment Challenge to TCPA's Cell Phone Ban Restricting Autodialed and Prerecorded Voice Calls to Constituents
- 16 May 2016, Sixth Circuit Rejects Application of Agency Principles to Fax Broadcast Liability Under TCPA
- 11 May 2016, Eighth Circuit Articulates New Ascertainability Standard in TCPA Class Actions
- 27 April 2016, Circuit and District Courts Grapple with Questions Raised in the Wake of *Campbell-Ewald v. Gomez*
- 26 April 2016, Seventh Circuit Holds That TCPA Fax Regulations Do Not Impose Strict Liability for Actions of Contractors
- 5 November 2015, Third Circuit Applies FCC's New TCPA "Autodialer" Interpretation
- 3 September 2015, Sixth Circuit Finds No TCPA Liability For Debt Collection Calls Made To Phone Number Provided After Inception of Credit Relationship
- 19 July 2015, FCC Empowers TCPA Plaintiffs At Peril of Business
- 14 July 2015, New TCPA Order Holds Few Bright Spots For Businesses
- 12 July 2015, Court Awards Individual Plaintiff \$229,500 in Damages Under TCPA
- 8 July 2015, Update: Sixth Circuit Limits Scope of 'Unsolicited Advertisement' under the TCPA
- 24 June 2015, Sixth Circuit Limits Scope of 'Unsolicited Advertisement' under the TCPA
- 27 May 2015, Supreme Court Grants Cert. to Consider Whether Offer of Complete Relief Moots TCPA Class Action
- 28 April 2015, Last Week to File for Retroactive Waiver of FCC Rule Requiring Opt-Out Notice on All Fax Advertisements

OTHER PUBLICATIONS

- "As Biometric Privacy Laws Grow, Cos. Must Up Transparency," *Law360*, 10 July 2023
- "New TCPA Order Holds Few Bright Spots For Businesses," *Law360*, 14 July 2015

NEWS & EVENTS

- 29 January 2024, K&L Gates Leads Novozymes to Trade Secrets Trial Victory

- 29 October 2020, TCPA: What's New, Noteworthy, and Next

AREAS OF FOCUS

- Commercial Disputes
- Biometric Data Compliance and Defense
- Class Action Litigation Defense
- Financial Institutions and Services Litigation
- Securities and Transactional Litigation

REPRESENTATIVE EXPERIENCE

- Defended class action brought under the Biometric Information Privacy Act and appealed Article III standing issue to the United States Court of Appeals for the Seventh Circuit.
- Representing a digital learning platform in multiple class actions in California and Florida regarding alleged violation of the Florida Telephone Solicitation Act (FTSA).
- Defend solar panel manufacturer against class action involving contract, warranty, Magnuson-Moss Warranty Act, California Consumer Legal Remedies Act, and California Unfair Competition Law claims.
- Representation (lead associate) of one of the largest vending machine operators in the United States in a complex consolidated consumer class action regarding pricing practices and alleged deceptive labeling practices. Plaintiffs brought claims under state consumer protection statutes of over 30 states, and claims for unjust enrichment, consumer fraud, conversion, and money had and received.
- Defend mutual fund advisers against claims brought by investors under Section 36(b) of the Investment Company Act.
- Defend credit card issuer against putative class action brought under West Virginia Consumer Credit Protection Act.
- Defend pharmaceutical company against class action alleging that facsimiles sent by marketing contractor violated the Telephone Consumer Protection Act.
- Defended a credit card issuer against Telephone Consumer Protection Act claims.
- Defended a cremation company against claims that calls to potential purchasers violated the Telephone Consumer Protection Act.
- Defended a market research company against class action lawsuits involving allegations that texts to consumers violated the Telephone Consumer Protection Act.
- Defend testing laboratory against tortious interference lawsuit brought by inventor claiming that failure to conduct tests properly led to commercial failure of product.

- Represent bank in obtaining receiver for borrower after discovery of fraud by borrower's owners, resulting in sale of borrower and judgment against borrower's owners.
- Defend cafeteria operator against class action on behalf of employees under the Illinois Biometric Information Protection Act.
- Defend film studio and film producers against group libel lawsuits claiming that depiction of characters as members of particular ethnic group defamed all members of that group.
- Defend debt collector against class actions brought under the Fair Debt Collection Practices Act.
- Represent individuals in disciplinary proceedings before the Illinois Department of Financial and Professional Regulation.
- Defend cemetery operator against class action brought under the Illinois Consumer Fraud Act.
- Defend film finance company against fraud claims brought by investor in film slate financing vehicle.
- Defend credit card issuers against fraudulent transfer claims arising out of employee's use of employer's funds to pay credit card balances.