

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
PEORIA DIVISION**

Joseph Jones, Seth Steidinger and Natasha
Koller, *on behalf of themselves and all others*
similarly situated,

Plaintiffs,

v.

Blackstone Medical Services, LLC,

Defendant.

Case No. 1:24-cv-01074-JEH-RLH

**BLACKSTONE’S MOTION TO DISMISS COUNTS I–IV
OF THE CONSOLIDATED CLASS ACTION COMPLAINT**

NOW COMES Defendant Blackstone Medical Services, LLC (“Blackstone”), by its undersigned counsel, and pursuant to Federal Rules of Civil Procedure 12(b)(1) and (b)(6) moves to dismiss Counts I–IV, and dismiss the claims for injunctive and declaratory relief, in the Consolidated Class Action Complaint, filed by Plaintiffs Joseph Jones, Seth Steidinger, and Natasha Koller (collectively, “Plaintiffs”), and in support states:

1. Blackstone provides at-home sleep tests designed to diagnose sleep apnea pursuant to a doctor’s prescription. *See* [D.E. 29] ¶ 2–3.

2. Plaintiffs are patients whose healthcare providers prescribed a home sleep test through Blackstone. *See, e.g.*, [D.E. 29] ¶¶ 53, 66.

3. In response to the prescriptions, Blackstone contacted Plaintiffs to schedule the in-home sleep test and sent Plaintiffs text messages pertaining to their prescriptions.

4. Now, Plaintiffs contend that Blackstone’s text messages violate the Telephone Consumer Protection Act (“TCPA”) and the Florida Telephone Solicitation Act (“FTSA”). Plaintiffs seek monetary, injunctive, and declaratory relief on behalf of three putative classes.

5. This Court should dismiss the TCPA claims (Counts I–IV), as well as the requests for injunctive and declaratory relief.

6. *First*, Counts I–IV, brought under the TCPA, must be dismissed because Plaintiffs raise only claims relating to text messages under § 227(c), which does not impose any liability for sending text messages.

7. *Second*, Plaintiffs’ requests for injunctive and declaratory relief must be dismissed because Plaintiffs have not alleged any real and immediate threat of future harm.

8. *Third*, Plaintiffs’ requests for declaratory relief should be dismissed because they are redundant to Plaintiffs’ requests for monetary relief.

WHEREFORE, Defendant, Blackstone Medical Services, LLC, respectfully requests an order dismissing Counts I–IV of the Consolidated Class Action Complaint, dismissing Plaintiff’s claims for injunctive and declaratory relief, and awarding any other relief deemed necessary and just under the circumstances.

Date: May 13, 2025

Respectfully submitted,

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- and -

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CERTIFICATE OF SERVICE

I hereby certify that on May 13, 2025 I caused to be electronically filed the foregoing Motion with the Clerk of the Court using the CM/ECF system which will send notification to all registered CM/ECF participants:

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