

On July 13, 2006, the California Supreme Court filed its decision in *Kearney v. Salomon Smith Barney*, S124739.

A copy of the decision may be found at <http://www.courtinfo.ca.gov/opinions/documents/S124739.PDF>

Generally, the court found that an out of state business must obey the privacy laws of California when it does business with California residents. States may impose more restrictive laws to protect their citizens.

The court's ruling runs against the notion that the TCPA preempts more restrictive state laws.

The ruling also runs against the notion that an out-of-state telemarketer would not be subject to the same restrictions as an in-state telemarketer. The court would have an even playing field.

The ruling also fits with *Free Eats*.

The FCC should reject the preemption argument.