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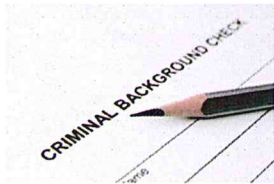
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# LAWLINE

August 2013



## EEOC Sues Over Criminal Background Checks



By [Mary Anne Ackourey](#) and [La'Yonda McLean](#)

The U.S. Equal Employment Opportunity Commission (EEOC) has begun filing lawsuits against employers for their use of criminal background checks. Last month, the EEOC filed a lawsuit against Dollar General and a BMW manufacturing plant in South Carolina over their use of criminal background checks that resulted in employees being fired and job applicants being screened out for employment.

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## Faulty Workmanship Can Be An Accident



By: [Neil Wilcove](#) and [Jonathan Kandel](#)

The Supreme Court of Georgia recently clarified the scope of coverage for construction defect claims under commercial general liability (CGL) insurance policies. In *Taylor Morrison Services, Inc. v. HDI-Gerling America Insurance Company*, No. S13Q0462 (Ga. July 12, 2013), the court clarified that a construction defect claim constitutes an "occurrence," as defined in a standard CGL policy, when the only damage alleged is to the work of the insured contractor. While the court's decision does not change the substantive scope of insurance coverage for construction defect claims, it shifts the focus of coverage.

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## TCPA Class Action on Opt-Out Confirmation Text Messages Dismissed



By: [Matt Foree](#)

A U.S. District Court in California recently dismissed a putative class action under the Telephone Consumer Protection Act (TCPA). See *Holt v. Redbox Automated Retail, LLC*, Case No. 11cv3046 (S.D. Cal. 2013). The matter concerned Defendant Redbox Automated Retail, LLC (Redbox) and its post opt-out confirmation text messages. The original plaintiff in the matter, Kathleen Holt, who filed the complaint individually and on behalf of all others similarly situated, responded to an unsolicited text message from Redbox with an opt-out text message.

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