

Salazar v. Paramount Global

Alexa Nohavicka

133 F. 4TH 642 (6TH CIR. 2025)

In *Salazar v. Paramount Global*, the Sixth Circuit Court of Appeals affirmed the United States District Court for the Middle District of Tennessee's dismissal of Michael Salazar's complaint against Paramount Global under Rule 12(b)(6) because he failed to adequately allege that he is a "consumer" under the Video Protection Privacy Act.¹

I. BACKGROUND

Congress passed the Video Privacy Protection Act (VPPA) to protect the personal privacy "in the records of the rental, purchase, or delivery of 'audio visual materials.'"² The VPPA imposes "stiff penalties" on any "video tape service provider who discloses personal information that identifies one of their 'consumers' as having requested specific 'audio visual materials.'"³

In September 2022, Appellant brought a class action lawsuit against Paramount Global, alleging a violation of the VPPA.⁴ Appellant claimed that he qualified as a "consumer" under the VPPA because of his subscription to a 247Sports e-newsletter that reported on sports recruiting—that he became a VPPA-protected "subscriber" when he signed up for the newsletter.⁵ However, because he did not subscribe to "audio visual materials," the lower court found that he did not qualify as a consumer and therefore dismissed Appellant's complaint.⁶ The Sixth Circuit agreed and affirmed.⁷

The issues presented in this case surround whether the Appellant sufficiently alleged that he was a "consumer" under the VPPA—if "'subscriber' was 'cabined by the definition of 'video tape service provider,'"⁸ and thus to qualify as a "consumer," a "plaintiff must be a subscriber of goods and services *in the nature of audio-video content*."⁹

1. See *Salazar v. Paramount Global*, 133 F.4th 642, 645 (6th Cir. 2025), *cert. granted*, ---S.Ct.---, 2026 WL 189831 (2026).

2. *Salazar*, 133 F.4th at 644.

3. *Id.* at 645.

4. *Id.*

5. *Id.* at 645-46

6. *Id.*

7. *Id.*

8. *Salazar*, 133 F.4th at 646 (quoting *Carter v. Scripps Networks, LLC*, 670 F.Supp.3d 90, 98-99 (S.D.N.Y. 2023)).

9. *Id.* (quoting 18 U.S.C. § 2710(a)(4)).

Salazar petitioned the Supreme Court for a writ of certiorari to address whether the Sixth Circuit properly determined that he did not qualify as a “consumer” under the VPPA.¹⁰

II. ANALYSIS

A. *The Complaint Adequately Alleges a Concrete Injury to Establish Standing*

Despite Appellee abandoning its challenge to Salazar’s standing, the federal courts have an “independent obligation” to verify the plaintiff’s standing prior to exercising jurisdiction.¹¹ Standing is reviewed de novo.¹² The Sixth Circuit found that the Appellant’s allegations demonstrated that he suffered a “concrete injury by reference to well-established privacy harms,” that “[his] complaint alleges that Appellee installed the tracking Pixel on 247Sports.com, the claimed harm is also traceable to Appellee’s conduct,” and that “an award of damages would redress [his] injury.”¹³ Thus, the district court correctly found that Appellant had standing.¹⁴

B. *Online Newsletter Subscribers Do Not Qualify as “Consumers” Under the Video Privacy Protection Act.*

Appellant’s status as a subscriber to 247Sports.com’s newsletter did not render him a “consumer” under the VPPA, and thus the district court properly dismissed his suit.¹⁵

1. The VPPA Defines Who May Sue and What Conduct it Prohibits

When analyzing whether the district court incorrectly granted Appellee’s motion to dismiss under Rule 12(b)(6), the Sixth Circuit first analyzed the Act’s structure.¹⁶

The VPPA establishes civil liability for any “video tape service provider who knowingly discloses, to any person, personally identifiable information concerning any consumer of such provider.”¹⁷ The Act defines “consumer” as “any renter, purchaser, or subscriber of goods or services from a ‘video tape service provider,’”¹⁸ which is “any person engaged in the business, in or affecting interstate or foreign commerce, of rental, sale, or

10. *Id.*

11. *See id.* at 646 (citing *Kanuszewski v. Mich. Dep’t of Health & Hum. Servs.*, 927 F.3d 396, 405 (6th Cir. 2019)).

12. *Id.* (citing *Sullivan v. Benningfield*, 920 F.3d 401, 497 (6th Cir. 2019)).

13. *Id.* at 647-48.

14. *Salazar*, 133 F.4th at 647-48.

15. *See id.* at 653.

16. *Id.* at 648.

17. *Id.* at 649 (quoting 18 U.S.C. § 2710(b)(1)).

18. *Id.* (quoting § 2710(a)(1)).

delivery of prerecorded video cassette tapes or similar audio visual materials.”¹⁹

To adequately state a claim under the VPPA, Appellant had to allege that Appellee is a “regulated entity” (“video service provider”), that Appellant is a “protected party” (Appellee’s “consumer”), and that “Appellee engaged in prohibited conduct (knowingly disclosing Appellant’s ‘personally identifiable information’ to a third party).”²⁰

2. “Goods or Services” That Create “Consumers” Must Be Interpreted in the Context of “Audio Visual Materials”

The district court dismissed Appellant’s complaint because of his failure to “plausibly allege” that he was a “consumer” under the Act.²¹ When determining whether Appellant plausibly pleaded that he was a “consumer,” the Sixth Circuit asked whether he was “a subscriber of goods or services from a video tape service provider,” because of his online newsletter subscription to 247Sports.com.²²

The Sixth Circuit concluded that Appellant erred in reading “goods or services” “in isolation” which “yield[ed] a definition of ‘consumer’ based solely on the broadest imaginable definitions of the words.”²³ It remains “a fundamental canon of statutory construction that the words of a statute must be read in their context and with a view to their place in the overall statutory scheme.”²⁴ “Goods or services cannot be construed in a vacuum to wall it off from the meaning imputed by the rest of the statute’s text.”²⁵

In the VPPA, there is an association between “goods or services” and “audio visual materials,” and thus the definition of “consumer” is read to be a person who “subscribes to “goods or services” in the nature of “video cassette tapes or similar audio visual materials.”²⁶ “Text and context point to the same place: goods or services is limited to audio visual ones.”²⁷ This reading is reflective of the plain meaning to the VPPA when it was enacted.²⁸

Thus, a “consumer” under the VPPA must consume *audio visual materials*.

19. *Id.* at 648-49 (quoting § 2710(a)(4)).

20. *Salazar*, 133 F.4th at 649.

21. *Id.*

22. *See id.* (quoting 18 U.S.C. § 2710(a)(1)).

23. *Id.* (citing *Dubin v. United States*, 599 U.S. 110, 143 (2023)).

24. *Id.* at 650 (citing *West Virginia v. EPA*, 597 U.S. 697 (2022) (quoting *Davis v. Mich. Dep’t of Treasury*, 489 U.S. 803, 809 (1989))).

25. *Id.* (citing *Home Depot U.S.A., Inc. v. Jackson*, 587 U.S. 435 (2019)) (quoting *Davis*, 489 U.S. at 809).

26. *Salazar*, 133 F.4th at 650-51 (citing § 2710(a)(1), (a)(4)).

27. *Id.* at 651 (citing *S.W. Airlines Co. v. Saxon*, 596 U.S. 450 (2022)).

28. *Id.*

3. Mere Links to Videos in a Newsletter Do Not Qualify as “Audio Visual Materials”

Appellant’s complaint failed to allege that he had accessed videos through the newsletter, and thus he did not plausibly allege that the newsletter was an “audio visual material.”²⁹

The complaint merely alleged that because the newsletter “contained links to videos, directed subscribers to video content, and otherwise enticed or encouraged them to watch Appellee’s videos,” and is a “video cassette tape or similar audio visual material” under the VPPA.³⁰

Therefore, Appellant’s claim that his subscription to 247Sports.com’s newsletter made him a “consumer” under the VPPA fails, and the district court properly dismissed his suit.³¹

III. CONCURRING IN PART, DISSENTING IN PART (J. BLOOMEKATZ)

Circuit Judge Bloomekatz’s opinion concurs in part, dissents in part, and dissents from the judgment.³² The concurrence agrees that the court has jurisdiction, but dissents on the merits – the majority’s interpretation of the VPPA.³³

The dissent asserts that the majority’s interpretation “contravenes” the plain language of the VPPA.³⁴ The dissent finds that Appellant is, in fact, a “consumer” under the plain text of the statute because he falls under “any renter, purchaser, or subscriber of goods or services from a video tape service provider;” that “subscriber” generally refers to a person who, by providing some sort of consideration, opts in advance to receive “goods or services” of a continuing or periodic nature from the provider.³⁵ Appellant is a “subscriber: under the VPPA because he provided his personal information in exchange for receiving a daily newsletter from 247Sports.com, the newsletter is a “good[] or service[] from [Appellee],” and Appellee is “a video tape service provider...as it engage[s] in the business of delivering video content.”³⁶ Therefore, Appellant qualifies as a “consumer” under the VPPA.

Additionally, the dissent emphasizes that the majority places a nonexistent limitation on the definition of “goods or services,” criticizing its narrow reading of who constitutes a *subscriber* of goods or services.³⁷ Reading “goods or services according to its plain language [does not] make the provision inconsistent with its accompanying words,” nor does it “render

29. *Id.* at 652-53.

30. *Id.*

31. *Id.* at 653.

32. *Salazar v. Paramount Global*, 133 F.4th 642, 654 (6th Cir. 2025) (Bloomekatz, J., dissenting).

33. *Id.*

34. *Id.*

35. *Id.* at 654-55 (citing 18 U.S.C. § 2710(a)(1)).

36. *Id.* at 655.

37. *Id.* at 656.

meaningless other parts or the statute.”³⁸ Therefore, the majority’s definition is inconsistent with the plain meaning of the statute.³⁹

Lastly, the dissent criticizes Appellee’s “consequentialist argument against a plain language reading of the statute”—that it would “fundamentally transform the Internet.”⁴⁰ When Congress enacted the VPPA, it recognized that the “‘computer age’ would bring ‘technological innovations’ with ‘the ability to be more intrusive than ever before,’” and the VPPA was “meant to protect consumers privacy in the face of those advances, not become obsolete.”⁴¹ And Congress expressly amended the VPPA for consumers to give “informed, written consent for a video tape service provider to share their information.”⁴²

Therefore, the dissent asserts, the majority’s interpretation of the VPPA is inconsistent with its text, structure, and purpose.

IV. CONCLUSION

Despite the dissent, the Sixth Circuit affirmed the district court’s dismissal of Appellant’s complaint, holding that he failed to “plausibly allege” that he was a “consumer” of “audio visual materials” under the VPPA.⁴³

Appellant appealed this decision to the Supreme Court, which granted certiorari on January 26, 2026.⁴⁴

38. *Salazar*, 133 F.4th at 659.

39. *See id.* at 654.

40. *Id.* at 660 (citing Brief of Amicus Curiae at 3, 13).

41. *See id.* (citing S. Rep. No. 100-599, at 6-7).

42. *Id.* (citing 18 U.S.C. § 2710(b)(2)(B)).

43. *See id.*

44. *Salazar v. Paramount Global*, ---S.Ct.-----, 2026 WL 189831 (2026).

