

TN Court Dismisses Drexel Chemical's Preemptive Suit Against Vivek Shah, Awards Anti-SLAPP Fees

Memphis, Tennessee Jul 22, 2026 ([IssueWire.com](https://www.issuewire.com)) - The Chancery Court of Shelby County, Tennessee, has dismissed a lawsuit that Drexel Chemical Company filed against Los Angeles privacy claimant Vivek Shah, granting Shah's motions to dismiss and his petition under the Tennessee Public Participation Act (TPPA), the state's anti-SLAPP statute. In an order entered June 5, 2026, Chancellor James R. Newsom III dismissed Drexel's action on four independent grounds and ordered Drexel to pay Shah's reasonable attorney's fees, costs, and expenses.

The case is [Drexel Chemical Co. v. Vivek Shah, No. CH-26-0122 \(Chancery Court of Shelby County, Tenn., Part II\)](#).

"Companies shouldn't be able to use the courts to punish people for asserting their privacy rights," said Vivek Shah. "This lawsuit tried to preempt a claim before it was even filed and drag me across the country to defend it. The court saw it for what it was and dismissed it on every available ground."

Background

Before any lawsuit was filed, Shah notified Drexel that its website used hidden third-party tracking technology to capture visitor data without consent and sent an informal dispute-resolution letter with a draft complaint under the California Invasion of Privacy Act (CIPA). Before Shah filed suit, Drexel filed a preemptive declaratory-judgment action asking the Tennessee court to rule — in advance — that Shah's anticipated California claim was invalid.

Shah, who ultimately brought his actual claims in the U.S. District Court for the Central District of California ([Shah v. Drexel Chemical Co., No. 2:26-cv-01605](#)), moved to dismiss the Tennessee action and petitioned to dismiss it under the TPPA.

The Court's Ruling

The court granted every request, dismissing Drexel's complaint for:

- **Lack of subject-matter jurisdiction:** The suit sought an advisory opinion on an unfiled complaint. The court held the dispute was an unripe controversy beyond Tennessee courts' jurisdiction;
- **Lack of personal jurisdiction:** Shah, a California resident, could not be haled into a Tennessee court merely for visiting Drexel's website and objecting that its tracking violated California law;
- **Failure to state a claim:** Tennessee law has long forbidden about-to-be defendants from using declaratory-judgment actions to seize the forum of their choosing; and
- **The Tennessee Public Participation Act:** The court found Drexel filed its lawsuit in response to Shah's exercise of his rights of free speech and petition.

The court found that Drexel had deployed a "long-forbidden tactic employed by defendants-to-be." Because the anti-SLAPP petition was granted, the court awarded Shah his reasonable attorney's fees and expenses and assessed court costs against Drexel, with the amount to be set at a writ of inquiry.

Drexel has filed a notice of appeal; Shah intends to defend the dismissal.

About Vivek Shah

Vivek Shah is a Los Angeles-based privacy claimant focused on cases involving website tracking and data interception under the California Invasion of Privacy Act and related laws.

The court order referenced above is a matter of public record.

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