

FTC Files Complaint Against DISH Network For Placing Unwanted Telemarketing Calls

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The FTC recently filed a [complaint](#) against DISH Network LLC, alleging that the company violated the Telephone Sales Rule by making millions of unwanted telephone calls to consumers who had previously requested not be contacted. The complaint alleges that DISH Network and many of its authorized dealers collected and maintained lists of consumers who had requested not to be contacted by or on behalf of DISH Network; however, despite those consumers having opted out of marketing calls, DISH Network made, or caused to be made, phone calls to those customers. The TSR prohibits marketers from making outbound calls to consumers not only when a consumer's phone number is on the National Do Not Call Registry, but also if a consumer has previously stated to a marketer that he or she does not wish to receive calls from that marketer. This case follows on one brought by the Justice Department on the FTC's behalf against DISH Network, alleging the same TSR violations. That case was filed jointly with the attorneys' general of California, Illinois, Ohio, and North Carolina as co-plaintiffs, and is currently pending (with DISH Network's motion to dismiss [denied](#) in 2010). During discovery in that original case, additional facts came to light regarding additional alleged violations not originally pleaded by DOJ. The FTC thus brought the current case after DOJ was rebuked in its attempt to amend its original complaint to incorporate the claims now brought by the FTC.

TIP: Companies should maintain current and accurate lists of consumers who have requested not to receive marketing calls, and ensure that they follow TSR requirements not to call such consumers.

1 Min Read

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