

Court Approves \$9.76 Million Settlement of Telemarketing Claims Against Insurer ACE

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A federal district court recently approved an [agreement](#) to settle a purported class action filed against ACE American Insurance Company and ACE USA, Inc. over certain [telemarketing](#) practices for \$9.76 million. Plaintiff Justin Mark Boise allegedly received two unsolicited telephone calls to his residential line from ACE in 2015 for the purpose of marketing the company's insurance products. Boise further alleged that he had not provided prior express written consent to receive such calls, and had been a member of the National Do Not Call Registry since 2006, thus making the calls a violation of the Telephone Consumer Protection Act (TCPA). According to Boise, ACE also failed to institute procedures to maintain a list of people who request not to receive its telemarketing calls.

The court's approval acknowledged that ACE made no admissions of liability or wrongdoing of any kind associated with the alleged claims. The settlement agreement covers all customers of two particular banks who received more than one unsolicited marketing call from ACE to a number registered on the National Do Not Call Registry for at least 30 days on or after October 16, 2013.

TIP: This case is a reminder that plaintiffs' attorneys continue to bring cases where companies make autodialed telemarketing calls without first obtaining prior, written, signed consent. Companies should be mindful of Do Not Call scrubbing requirements, and should review documentation of consent.

1 Min Read

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