

Dish Faces \$61M TCPA Verdict and \$280M Regulatory Penalty

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A federal judge recently issued a ruling trebling the \$20.5 million in damages awarded by a jury against Dish Network (Dish). The original damage award followed a class action trial over Dish's alleged violations of the Telephone Consumer Protection Act (TCPA)—specifically, the company's failure to prevent a marketing vendor from making telemarketing calls to individuals registered on federal or state Do Not Call lists, and failure to honor individuals' opt-out requests despite the company's knowledge of the marketer's actions.

The TCPA allows for statutory damages of up to \$500 per call made in violation of the law; in January, a North Carolina jury awarded \$400 for each of the 51,119 calls made to members of the plaintiff class for a total fine of \$20.5 million. Even so, the judge concluded that Dish also knew that its telemarketing vendor was violating the TCPA because it received multiple complaints regarding the vendor's conduct, and then failed to take any corrective action. Accordingly, the court trebled the jury award to \$61 million.

Separately, an Illinois federal judge awarded a combined \$280 million penalty against Dish to be paid to the federal, California, Illinois, North Carolina, and Ohio governments for the same underlying conduct.

TIP: These decisions serve as reminders that companies should be mindful not only of their own calling practices, but also the practices of third parties making calls on their behalf, and that penalties for problematic practices can be significant.

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