

Dish Network Hit With \$20 Million Verdict In Class Action Telemarketing Lawsuit

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Greensboro, NC – After a five-day trial, a Greensboro, North Carolina jury handed down a \$20.5 million verdict in an unprecedented class action trial against Dish Network. The class, led by class representative Dr. Thomas Krakauer of Bahama, North Carolina, alleged Dish was liable for more than 51,000 telemarketing calls placed by a defunct DISH dealer to persons whose telephone numbers were on the National Do Not Call Registry.

The jury found DISH liable for all calls, and awarded \$400 per violation of the Telephone Consumer Protection Act.

“This case has always been about enforcing the Do Not Call law and protecting people from nuisance telemarketing calls,” said Dr. Krakauer. “I am thrilled with the jury’s verdict, and thrilled we were able to win this enforcement action.”

The trial team was led by Brian A. Glasser (Washington, DC) and John W. Barrett (Charleston, West Virginia) of Bailey Glasser, a 57-lawyer firm headquartered in Charleston, WV. Other key trial team members were Matthew McCue of Massachusetts and Matthew Norris of Raleigh, NC. Completing the team were Edward A. Broderick and Anthony Paronich of Broderick & Paronich in Boston, and John Roddy of Bailey Glasser’s Boston office.

“We won this case through the testimony of DISH witnesses themselves,” Glasser said. Glasser argued in court that DISH’s order entry retailer program was a corporate shell game, developed so DISH could have all the benefits of illegal telemarketing – the customers – but shoulder none of the responsibility for violating the law.

“We believe this is the first and only jury trial for a certified class of consumers alleging Do Not Call violations,” said Barrett. “This was a strength-in-numbers case, one we could only bring as a class action, where we tried 51,000 claims in a single, five-day trial. We’re particularly pleased with the message this verdict sends about the importance of the Do Not Call laws, the most popular consumer protection law in U.S. history.”

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More than 220 million Americans have opted out of receiving home telemarketing calls by registering their telephone numbers on the National Do Not Call Registry. The registry was established through the federal Telephone Consumer Protection Act, or TCPA, which was enacted in 1991 and regulates live, prerecorded and “robocall” telemarketing.

The case was presided over by U.S. District Judge Catherine Eagles of the Middle District of North Carolina.

Peter Bicks, Elyse Echtmann, and John Ewald of Orrick, Herrington & Sutcliffe in New York represented DISH.

Attorneys

John W. Barrett

Brian A. Glasser

John Roddy

Practice Areas

Class Actions

Telephone Consumer Protection Act (TCPA)