

Federal Judge Reaffirms Treble Damages In Dish Network Telemarketing Lawsuit

10.05.2017

On October 3, US District Judge Catherine C. Eagles denied motions by Dish Network LLC to dismiss a lawsuit or reconsider her previous award of treble damages, keeping intact a \$61 million judgment against the satellite TV company for making more than 50,000 telemarketing calls in willful violations of the federal Telephone Consumer Protection Act.

Eagles denied a motion to reconsider trebling the damages determined by the jury for the 50,000 telemarketing calls made on Dish's behalf. Dish said the damages were excessive and duplicative. But Eagles said trebled damages were prescribed by Congress for willful or knowing violations of this law and that there was only minimal overlap and no duplication of the penalties resulting from another court action against the company in Illinois.

In her ruling, Eagles said the trebled damages "reflect the reprehensibility of a telemarketer's conduct in repeatedly invading the privacy of thousands of consumers on the Registry when that telemarketer has a long history of ignoring its responsibilities under federal law, repeatedly broke its promise to numerous state Attorney Generals that it would monitor and enforce compliance with the telemarketing laws, and willfully violated the TCPA thousands of times."

Dish had also argued that the verdict in this lawsuit should be set aside because resolution of another action in Illinois constituted a final judgment on the lawsuit's claims. The judge noted that during the course of the litigation, Dish had argued that the Illinois action "involve[d] a different statute, different issues, and different plaintiffs."

By its prolonged silence as both cases proceeded, inaction and statements to the contrary, the company waived the right to make such arguments now, the judge ruled.

Plaintiffs in the class-action lawsuit were represented by Brian Glasser, John Barrett, and John Roddy of Bailey Glasser, Matthew McCue of Massachusetts, Matthew Norris of Raleigh, NC and Edward A. Broderick and Anthony Paronich of Broderick & Paronich.

FEDERAL JUDGE REAFFIRMS TREBLE DAMAGES IN DISH NETWORK TELEMARKETING LAWSUIT

Law 360 - Dish Network Can't Duck \$61M Treble Damages In TCPA Row

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Practice Areas

Telephone Consumer Protection Act (TCPA)