

Krakauer v. Dish Network LLC

Bailey Glasser scored a precedent-setting win for a certified class of consumers in its dispute with Dish Network over the company's appeal of a more than \$61.3 million jury verdict and judgment for the class. *See Krakauer v. Dish Network LLC*, 925 F.3d 643 (4th Cir. 2019). Dish spent nearly half a decade trying to convince first a North Carolina federal district court and then the federal appeals court that it should not be accountable for telemarketing calls made by its authorized dealer Satellite Systems Network (SSN). However, the court disagreed and in a bluntly worded opinion completely affirmed Judge Catherine Eagles' entry of judgment for the class. Additionally, the US Supreme Court declined to review the case leaving intact Bailey Glasser's victory for a class of consumers who received unwanted Dish telemarketing calls.

The case began at the end of 2014, when lead plaintiff Thomas Krakauer sued saying he was called repeatedly by SSN to hawk Dish Network services despite putting his name on the National Do Not Call Registry. Dish argued it was not responsible for SSN's violations of the federal Telephone Consumer Protection Act (TCPA), however the panel did not agree. SSN's "entire business model was to make calls like these on behalf of television service providers," the panel said, and Dish was aware of the illegal calls being placed on its behalf at several different points.

"It would be dispiriting beyond belief if courts defeated Congress' obvious attempt to vindicate the public interest with interpretations that ignored the purpose, text, and structure of this act at the behest of those whose abusive practices the legislative branch had meant to curb," the opinion said.

Brian Glasser and John Barrett handled all aspects of the trial, which was completed after just five days of testimony. The 10-member jury was tasked with determining damages ranging from \$0-\$500 for each TCPA violation, and fixed the number at \$400, which Judge Eagles later trebled because the violations were willful or knowing.

Law360 covered the precedent setting nature of this decision in a June 7, 2019 article that included a quote from a lawyer expecting "to see this case quoted from now until the end of the century by TCPA class action attorneys on the plaintiffs' side." This case garnered national media attention. Bailey Glasser's John Barrett, who argued the case before the Fourth Circuit, was interviewed by *CBS News* to share insights on the importance of this case ([Click here to watch the full interview](#)), and featured in *The Wall Street Journal*, *You May Be Eligible For a Cash Award—No, Really, Wait, Don't Hang Up*.

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Practice Areas

Appellate and Supreme Court Practice

Class Actions

Telephone Consumer Protection Act (TCPA)