

Barrett, Marshall Appointed to MDL Leadership Positions in TCPA Litigation

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Two Bailey Glasser lawyers were appointed to leadership positions in a newly-established multidistrict litigation case, *In re: Monitronics Int'l, Inc. Telephone Consumer Protection Act Litigation*. The judge presiding over the MDL, the Hon. Irene Keeley of the United States District Court for the Northern District of West Virginia, appointed John W. Barrett as Plaintiffs' Lead Counsel and Jonathan R. Marshall as Plaintiffs' Liaison Counsel; Beth Terrell, of the Seattle firm of Terrell Marshall Daudt & Willie PLLC, will serve as Co-Lead Counsel.

The MDL consolidates five putative class actions originally brought in federal courts in West Virginia, Washington, California, and Illinois. The cases allege violations of the TCPA, a federal law that strictly regulates "robocall" telemarketing and telemarketing to persons listed on the national Do Not Call Registry. The calls at issue were placed to hundreds of thousands of consumers by several alarm systems dealers, including Alliance Security, formerly known as VMS Alarms. The claims also assert vicarious liability against the companies on whose behalves the calls were placed, including Monitronics, a large alarm-monitoring company, and alarm-systems manufacturer UTC Fire & Security Americas Corp., Inc., which does business as GE Security. The MDL was established months after Judge Keeley entered an order denying Monitronics' and GE Security's motions for summary judgment in a Monitronics-related case she has presided over since February 2011. Judge Keeley's order was the first to apply the FCC's analysis governing vicarious liability for TCPA violations. See *In re Joint Petition Filed By DISH Network, LLC*, 28 F.C.C. Rcd. 6574 (May 9, 2013). The case was the subject of a 2012 segment on NBC's Today Show.

Attorneys

John W. Barrett

Jonathan R. Marshall

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Practice Areas

MDL Panels

Telephone Consumer Protection Act (TCPA)