

## Telephone Consumer Protection Act (TCPA)

### Telephone Consumer Protection Act (TCPA) Class Action Defense

The Telephone Consumer Protection Act (TCPA) regulates unsolicited telephone calls and telemarketing activities, including automated phone calls using pre-recorded voice messages (robocalls), text messages and unsolicited faxes. Under the TCPA, recipients of impermissible phone calls, text messages and faxes can file suit against the violator(s) and recover up to \$1,500 for each violation of the TCPA. This puts marketing companies, debt collection agencies, and other users of automated phone systems at serious risk for high exposure lawsuits.

Recent years have seen a swell in the number of TCPA lawsuits filed as class action litigation, in part because some states have lifted prior prohibitions that precluded TCPA claims from proceeding as class actions. Under the TCPA, class action lawsuits can lead to virtually unlimited liability for companies. Each member of the class can recover up to \$1,500 in damages as the TCPA does not contain a statutory cap on the total damage award to the class. Considering that companies use automated systems to send out phone calls and text messages to thousands, and in some cases, millions of individuals, a TCPA class action suit can put a company at risk for massive financial exposure.

### Strategic Defenses in TCPA Class Action Cases

The class action lawyers at KDV have a wealth of experience handling TCPA class action litigation. Our attorneys counsel and defend businesses across the United States facing high stakes TCPA lawsuits. We understand the nuances and caveats of the law and work one on one with our clients to build a solid plan of defense. When a TCPA class action lawsuit surfaces, our objective is to protect our clients from exposure while resolving the matter as quickly and efficiently as possible. We thoroughly evaluate the facts and issues involved in the case so that we can provide our clients with an accurate assessment of the potential costs and liability. Should we determine that a settlement may present the best option for our clients, our attorneys will aggressively negotiate with opposing counsel to reach a fair and acceptable resolution.

While we are nationally recognized as a team of tough litigators who are prepared to take class actions to trial, we recognize that class action litigation can be costly and time consuming for our clients. Our attorneys always work to secure favorable results as early on as possible. Depending upon the facts and circumstances of the particular case, we may be able to successfully dismiss the class action at the outset or defeat class certification after the discovery process is complete. Our lawyers will also work to obtain summary judgment in our clients' favor and, should a matter proceed to trial, we are prepared to vigorously defend our clients throughout the life of the case. We are a team of dedicated attorneys who understand how much is at risk in TCPA class action cases and we will do everything possible to protect the future of our clients' businesses.