

# OUR PRACTICE

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## TCPA

**The Telephone Consumer Protection Act (TCPA) restricts the making of telemarketing calls and the use of automatic telephone dialing systems and artificial or prerecorded voice messages. Recipients of prohibited telephone calls, text messages, and faxes may sue for damages of between \$500 and \$1,500 per communication. Baker Donelson's TCPA team has extensive experience both litigating TCPA claims and advising clients on how to avoid litigation under this statute.**

We have handled matters for clients of all sizes, including companies in the financial services industry, health care, marketing companies, restaurants, and even law firms. Our team helps businesses understand and comply with the TCPA to avoid litigation, and helps defend against individual and class actions in the event of a lawsuit.

### Corporate Services and Compliance

Our goal is to help businesses take action *before* a company is named in a TCPA suit. We analyze existing business operations marketing, customer communications, and collaborate with company personnel to create or modify existing procedures to mitigate future litigation risk and cost. We understand that different industries need different approaches to towards marketing and customer communications. We also advise clients on how to identify and maintain crucial evidence in support of TCPA defenses. We can also train company employees and in-house counsel on compliance issues relating to telemarketing, consumer-directed telephone calls, text messages to mobile devices, and faxes regulated by the TCPA.

### Litigation

Our attorneys have defended TCPA class actions and individual cases in arbitration proceedings and state, federal, and bankruptcy courts across the country. We have litigated against a number of the most prominent plaintiffs' attorneys on both a regional and nationwide basis. Our team has successfully defended TCPA claims through all phases of litigation, including trial. We are leaders in the field and have utilized both established and unconventional defenses to defend our clients. We have successfully maintained and/or recouped fines from responsible third parties in the event of an adverse judgment against our client(s). Our representation includes both defense of litigation as well as detecting weaknesses in client procedures in order for our clients to avoid future litigation.



### Case Studies

- [Successful Result for Client in TCPA Class Action](#) - Telephone Consumer Protection Act Class Action



### Representative Matters

- Won full defense verdict following trial for a nationwide mortgage servicer and lender in a heavily contested TCPA and FCCPA suit, where over 500 calls were at issue and pre-suit demand neared \$1 million.
- Defending a national lawn care provider in a proposed class action in federal court alleging violations of the TCPA.
- Negotiated low-dollar amount settlements for national mortgage servicers, based on strategic limited discovery evidencing consumer's provision of consent to be contacted on numerous occasions without evidence of revocation.

- Advised lead generation companies with TCPA contract compliance and represent them in the resolution of disputes with TCPA plaintiffs.
- Successfully defended a national financial institution against Home Affordable Modification Program (HAMP), Tennessee Consumer Protection Act (TCPA), Truth in Lending Act (TILA) and breach of contract claims. Obtained dismissal of the HAMP, TCPA and breach of contract claims on a motion to dismiss, and negotiated a global settlement with the plaintiff and co-defendant, which resulted in dismissal of the remaining TILA claim with the client having to pay nothing.
- Represented numerous financial institutions with regard to compliance with privacy and cybersecurity laws and regulations, including GLBA, CCPA, CPRA, GDPR, HIPAA, FCRA, and TCPA.
- Successfully negotiated resolution of a putative class action involving TCPA and FTSA claims for alleged calls made to consumers in violation of the federal Do Not Call registry, where the number of calls, and the prior express consent to be contacted, were in dispute.
- Successfully defended a national bank against claims under the Telephone Consumer Protection Act, winning a motion for judgment on partial findings of fact after the plaintiff rested her case at the bench trial.
- Defended a diversified consumer finance company against allegations of Texas Debt Collection Act violations, Telephone Consumer Protection Act violations, harassment, invasion of privacy, and trespass to chattel.
- Successfully defended a service company in a putative class action alleging violations of the Telephone Consumer Protection Act.
- Represented an international health supplement company in a Telephone Consumer Protection Act matter.