

Gault and Banks Obtain Defense Verdict in TCPA Arbitration

On November 21, 2019, a Jackson, Mississippi Arbitrator returned an award in favor of a national retailer represented by Win Gault and Jake Banks. The Claimant maintained that the retailer willfully violated the Telephone Consumer Protection Act (TCPA) by using an automatic telephone dialing system (ATDS) to place 500 collection calls to his cellular telephone number. Claimant sought statutory damages in excess of \$750,000.00. After holding an evidentiary hearing and reviewing extensive briefing, the Arbitrator ruled in favor of the retailer, finding that its telephone system did not qualify as an ATDS and, thus, the retailer's collection calls did not violate the TCPA. In 2020, Gault and Banks are slated to participate in 43 final arbitration hearings in six different states, regarding various consumer financial services matters, including the TCPA and Fair Credit Reporting Act ("FCRA").