

## Gault and Banks Win TCPA Arbitration

On February 27, 2019, Win Gault and Jake Banks successfully obtained a defense verdict in a Telephone Consumer Protection Act (“TCPA”) arbitration. The claimant maintained she received nearly 1400 unauthorized debt collection calls and sought statutory treble damages totaling nearly \$2 million. At the arbitration, both sides presented fact and expert testimony on the defendant company’s software system. After hearing testimony and reviewing post-arbitration briefs, the Arbitrator concluded the claimant was entitled to nothing because the software system did not meet the statutory definitions under the TCPA. Additionally, the Arbitrator addressed the claimant counsel’s call-baiting activities designed to increase the numbers of calls claimant received. Specifically, the claimant’s counsel called the defendant company with the claimant on the call, instructed claimant to read a script, did not notify the company that he was on the calls, and secretly taped the discussions. The Arbitrator called this conduct “deceptive”.

Gault and Banks presently have TCPA arbitrations scheduled in five states in 2019.