

## Jackson, Mississippi Arbitrator Nixes TCPA Suit

On August 2, 2019, Win Gault and Jake Banks obtained a defense verdict in an arbitration concerning claims brought under the Telephone Consumer Protection Act (“Act”). Claimant maintained that Respondent (a national retailer) violated the Act by using an automatic telephone dialing system (“ATDS”) to place calls to her cellular phone to collect a delinquent debt. After hearing all of the evidence and reviewing extensive briefing, the Arbitrator ruled in favor of Respondent, finding that its system did not qualify as an ATDS. The Arbitrator reached this conclusion because Respondent’s system—unlike the illegal auto-dialers used by telemarketers to indiscriminately contact random individuals—cannot generate and dial random and sequential telephone numbers. Gault and Banks are currently litigating forty-five TCPA cases in seven states.