

C A M P A I G N F O R

ACCOUNTABILITY

October 8, 2019

By Email: rosemary.harold@fcc.gov

Rosemary Harold
Chief
Enforcement Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Violations of the Telephone Consumer Protection Act

Dear Ms. Harold:

Campaign for Accountability, a non-profit watchdog organization, respectfully requests that the Federal Communications Commission (“FCC”) investigate the Judicial Crisis Network for violating the Telephone Consumer Protection Act by sending mass robotexts from a misleading number during the confirmation hearing of Supreme Court Justice Brett Kavanaugh in the summer of 2018.

Background

The Judicial Crisis Network (“JCN”) is conservative legal advocacy nonprofit organized under section 501(c)(4) of the Internal Revenue Code and headquartered in Washington D.C.

According to a class action lawsuit filed in the Southern District of Indiana, on July 10, 2018, JCN placed or caused to be placed automated text messages to cellular telephones of Indiana residents. While it is unclear how many residents received the messages, the number was significant enough that *USA Today* published an article about the campaign.¹ The text message read:

President Trump just nominated Judge Kavanaugh to be our next Supreme Court Justice! A conservative who will uphold the Constitution. Call Senator Donnelly at (202) 224-4814 and tell him to confirm Judge Kavanaugh! Learn more at <http://confirmkavanaugh.com/>. Paid for by Judicial Crisis Network.²

¹ Maureen Groppe, *How Unsolicited Text Messages Were Sent to Hoosiers to Put Pressure on Sen. Joe Donnelly*, USA TODAY, (July 13, 2018), available at <https://www.usatoday.com/story/news/politics/2018/07/13/do-text-messages-pressuring-donnelly-comply-federal-rules/780619002/>.

² See Ex. A at 4 (Complaint, *Katz v. Judicial Crisis Network*, No. 1:18cv02297 (S.D. Ind. July 27, 2018)) (“Complaint”).

Recipients who clicked on the hyperlink were transferred to a website maintained by JCN. The phone number from which the text messages appeared to originate, however, belonged to the office of former U.S. Senator Joe Donnelly (D-IN). As the complaint in the lawsuit states, “upon calling the number from which the text was received, Senator Donnelly’s Washington D.C. office answered, creating the impression that the text message came from Senator Donnelly’s office.” Additionally, the plaintiffs said that they did not provide their phone numbers to JCN, and they did not give consent to receive text messages from JCN.

Repeated Violations of TCPA Concerning Justice Kavanaugh

JCN is just one of several advocacy groups that appears to have employed robotexts to support the nomination of Justice Kavanaugh to the Supreme Court. As CfA detailed in a previous complaint, the anti-abortion group Susan B. Anthony List (“SBA List”) also sent mass robotexts regarding Justice Kavanaugh’s nomination.³ According to a class action lawsuit filed in Florida, SBA List sent similar text messages to more than two hundred thousand Floridians urging Democratic Sen. Bill Nelson to vote for Justice Kavanaugh’s confirmation. The text message read:

Trump made his Supreme Court pick! Will Nelson stand with Florida or extreme abortion groups? Watch Now: <https://youtube.be/jJxPCfMZOCc> Reply Stop to opt out⁴

It appears that both JCN and SBA List, two organizations that often coordinate their advocacy positions, used automatic dialers to send similar robotexts to Americans who did not give their permission to receive the messages.

Legal Violations

The Telephone Consumer Protection Act (“TCPA”) prohibits any person from calling a cellular telephone number using an automatic telephone dialing system without the recipient’s prior express consent.⁵ An “automatic telephone dialing system” (“ATDS”) is defined as equipment that has the capacity to store or produce telephone numbers to be called, using a random or sequential number generator, and to dial such numbers.⁶

Based on the allegations in the complaint, it appears JCN may have used an ATDS to dial numbers automatically, without human intervention, to make non-emergency calls to the cellular telephones of the named plaintiffs and other members of the putative class without their prior express consent.⁷ This conduct clearly violates the TCPA. The fact that JCN is a non-profit

³ Letter from Alice Huling, Counsel at Campaign for Accountability, to Rosemary Harold, Chief of the Enforcement Bureau, FEDERAL COMMUNICATIONS COMMISSION, (June 26, 2019), available at <https://campaignforaccountability.org/wp-content/uploads/2019/06/CfA-FCC-Complaint-SBA-List-TCPA-6-26-19.pdf>.

⁴ See Ex. B at 5 (Complaint, Dkt. 1, *Wijeinha v. Susan B. Anthony List, Inc.*, No. 1:18cv22880 (S.D. Fla. July 17, 2018)).

⁵ 47 U.S.C. § 227(b)(1)(A).

⁶ 47 U.S.C. § 227(a)(1).

⁷ See Ex. A at 3-6.

organization and texts were sent as part of an advocacy campaign is immaterial. As the Commission has noted, “[t]he TCPA’s restrictions on autodialed, artificial-voice, and prerecorded-voice calls to wireless numbers apply equally to telemarketing and informational calls.”⁸ The fact that JCN sent robotexts rather than calls is similarly irrelevant as “SMS text messages are subject to the same consumer protections under the TCPA as voice calls.”⁹

Moreover, JCN appears to have deliberately mislead the recipients of the JCN text messages regarding the sender’s identity. By making the text messages appear to have originated from Sen. Donnelly’s office, JCN appears to have violated the TCPA’s prohibition against false identity. The law states:

It shall be unlawful for any person within the United States, in connection with any telecommunications service or IP-enabled voice service, to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value, unless such transmission is exempted pursuant to paragraph (3)(B).¹⁰

The requisite section only exempts law enforcement. JCN, therefore, appears to have violated the TCPA not only by using a mass dialing system but also by transmitting inaccurate caller identification information.

Rather than go to trial, it appears JCN may have settled the lawsuit. The case was voluntarily dismissed on December 12, 2018.¹¹ Plaintiffs, though, had notified the court that they had initiated discovery, which may have revealed additional nonpublic information regarding JCN’s possible violations of TCPA.¹²

In addition to a private cause of action, the FCC is also authorized to take action. Any person determined by the Commission to have violated this provision of the TCPA is subject to forfeiture penalties.¹³

In 2016, the FCC issued an Enforcement Advisory titled “Robotext Consumer Protection: Text Message Senders Must Comply with the Telephone Consumer Protection Act.”¹⁴ The advisory explains that “[r]obotext violations are subject to enforcement by the FCC, including

⁸ See at 62 (TCPA Omnibus Declaratory Ruling and Order, FEDERAL COMMUNICATIONS COMMISSION, (July 20, 2015)), available at <https://www.fcc.gov/document/tcpa-omnibus-declaratory-ruling-and-order>.

⁹ *Id.* at 56.

¹⁰ 47 U.S.C. § 227(e)(1); 47 C.F.R. § 64.1200.

¹¹ See Ex. C (Stipulation of Voluntary Dismissal with Prejudice, *Katz v. Judicial Crisis Network*, No. 1:18cv02297 (S.D. Ind. Dec. 12, 2018)).

¹² See Ex. D (Unopposed Motion for Extension of Time for Filing and Briefing on Motion for Class Certification, *Katz v. Judicial Crisis Network*, No. 1:18cv02297 (S.D. Ind. Nov. 28, 2018)).

¹³ 47 U.S.C. § 227(b)(5)(A)(i).

¹⁴ See Ex. E (FCC Enforcement Advisory No. 2016-06, FEDERAL COMMUNICATIONS COMMISSION, (Nov. 18, 2016)).

Ms. Rosemary Harold

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forfeiture penalties of up to \$18,936 per violation . . .”¹⁵ Before proposing a monetary forfeiture penalty, however, the FCC “must first issue a warning citation.”¹⁶ If a party continues to send robotexts in violation of the TCPA or Commission rules after receiving a citation, “the FCC may impose a monetary forfeiture penalty covering both violations that occur after the citation and those violations that were addressed in the citation.”¹⁷

CfA has no information as to whether JCN has received a warning citation from the FCC in the past and, therefore, whether monetary penalties are appropriate at this time. An FCC spokesperson told *USA Today* in 2018 that the Commission would “of course” review any complaints filed regarding this matter.¹⁸

Conclusion

The TCPA is intended to protect Americans from spam telephone calls and texts. JCN appears to have sent mass robotexts without the permission of the recipients of those text messages and mislead recipients as to the origin of the unsolicited robotexts. Additionally, JCN’s allied organization, SBA List, also sent text messages to recipients without their permission. Given the apparent repeated violations of the TCPA by these advocacy organizations, CfA requests that the FCC investigate these text messages, issue warning citations, and, if the FCC has issued citations previously impose monetary penalties. CfA further requests that the FCC monitor JCN as well as SBA List and, if further violations are uncovered, take appropriate enforcement action.

Sincerely,



Alice C.C. Huling

Cc: Kristi Thompson, Chief
Telecommunications, Consumer Division

¹⁵ *Id.* at 3.

¹⁶ *Id.* at n.18, *citing* 47 U.S.C. § 503(b)(5).

¹⁷ *Id.*

¹⁸ Maureen Groppe, *How Unsolicited Text Messages Were Sent to Hoosiers to Put Pressure on Sen. Joe Donnelly*, USA TODAY, July 13, 2018, available at <https://www.usatoday.com/story/news/politics/2018/07/13/do-text-messages-pressuring-donnelly-comply-federal-rules/780619002/>.

EXHIBIT A

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MARLO KATZ and MATTHEW)	
DOUBLESTEIN , individually and)	
on behalf of all others similarly)	
situated,)	No. 1:18-cv-02297
)	
Plaintiffs,)	CLASS ACTION COMPLAINT
)	
vs.)	JURY TRIAL DEMANDED
)	
JUDICIAL CRISIS NETWORK ,)	
)	
Defendant.)	

CLASS ACTION COMPLAINT

Plaintiffs Marlo Katz and Matthew Doublestein, by counsel, individually and on behalf of all others similarly situated, bring this Complaint against Defendant, Judicial Crisis Network, for sending unsolicited text messages in violation of the Telephone Consumer Protection Act and in violation of the Indiana Truth in Caller ID Act and to recover statutory damages and other relief as may be appropriate under the circumstances for all those who received such text messages.

NATURE OF THE ACTION

1. This case arises as a result of Defendant’s mass transmission of unsolicited text messages to Plaintiffs and Class Members using an auto-dialer.
2. Defendant’s transmission of these text messages is in direct violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, which

prohibits any person from using an automatic telephone dialing system to send an unsolicited text message to a telephone number.

3. Defendant's transmission of these text messages is also in direct violation of the Indiana Truth in Caller ID Act, Ind. Code § 24-5-14.5 ("ITCIA"), which prohibits any person from transmitting misleading or inaccurate caller identification information to a subscriber.

THE PARTIES

4. Plaintiff Marlo Katz is a citizen of Indiana and is a "person" as defined by 47 U.S.C. § 153(39).

5. Plaintiff Matthew Doublestein is a citizen of Indiana and is a "person" as defined by 47 U.S.C. § 153(39).

6. The Defendant, the Judicial Crisis Network, Inc., is a Virginia corporation with its principal office in the District of Columbia, and is a "person" as defined by 47 U.S.C. § 153(39).

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because Plaintiffs' claims arise under the TCPA, a federal statute.

8. Personal jurisdiction exists because a substantial portion of the wrongdoing alleged in this complaint took place in or was intentionally directed toward the State of Indiana, and Defendant has transacted business and made or performed contracts substantially connected with the State of Indiana.

9. Venue is proper in the Southern District of Indiana pursuant to 28 U.S.C. § 1391(b)(2) because a significant and substantial portion of the events at issue took place in this district.

FACTS

10. As of January 2018, 95% percent of adult Americans possessed a cellular/wireless device (“cell phone”).¹ Cell phones are inherently mobile devices, and most people keep their cell phones with them at all times. Consequently, businesses, political campaigns, and other organizations often seek to reach a mass audience through cell phone communications. This includes the use of Short Message Service (“SMS”) messages.

11. SMS messages, more commonly known as text messages, are a popular form of communication between individual cell phone users. SMS messages are transmitted to a cell phone using the device’s assigned telephone number. Once the transmission is complete, the recipient’s cell phone notifies the recipient that a message has been received. While person-to-person communication is most common, SMS messages can also be sent by automated systems.

12. When sending an SMS message, it is possible to alter the information that the recipient receives regarding the sender’s identity. Caller ID “spoofing” is the practice of causing the telephone network to indicate to the receiver of a call or text message that the originator of the call or text is a person or organization other than the true originator.

¹ *Demographics of Mobile Device Ownership and Adoption in the United States*, PEW RESEARCH CTR. (Feb. 5, 2018), <http://www.pewinternet.org/fact-sheet/mobile/>.

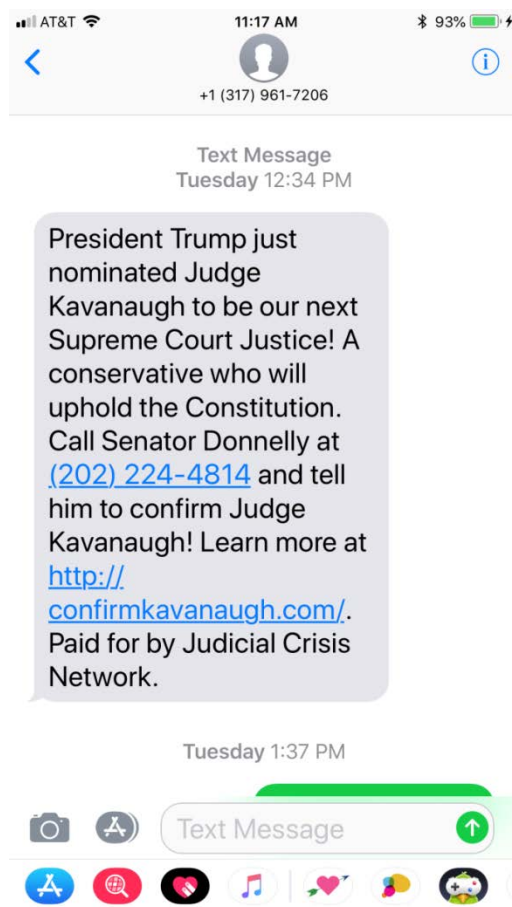
13. Under the TCPA, it is unlawful to call or text a cell phone using an automatic telephone dialing system without the prior express consent of the recipient. 47 U.S.C. § 227(b)(1)(A); *In Re Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling, 18 FCC Rcd 14014, 14115, para. 165 (2003).

14. Under the ITCIA, it is unlawful to knowingly and with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value, cause any caller identification service to transmit misleading or inaccurate caller identification information. Ind. Code § 24-5-14.5-9.

15. On or about July 10, 2018, the Judicial Crisis Network, using an automatic telephone dialing system, transmitted the following text message or similar text messages to Plaintiff Katz's cell phone number at XXX-XXX-4442, Plaintiff Doublestein's cell phone number at XXX-XXX-5526, and Class Members cell phone numbers:

President Trump just nominated Judge Kavanaugh to be our next Supreme Court Justice! A conservative who will uphold the Constitution. Call Senator Donnelly at (202) 224-4814 and tell him to confirm Judge Kavanaugh! Learn more at <http://confirmkavanaugh.com/>. Paid for by Judicial Crisis Network.

16. The following image is a screenshot of that SMS message (the "Kavanaugh Text"):



17. Senator Donnelly’s office did not send Plaintiffs or Class Members the text messages regarding Judge Kavanaugh. However, upon calling the number from which the text was received, Senator Donnelly’s Washington D.C. office answered, creating the impression that the text message came from Senator Donnelly’s office.

18. Plaintiffs and Class Members did not provide their phone numbers to the Judicial Crisis Network or consent to receiving text messages from the Judicial Crisis Network.

19. The Judicial Crisis Network sent the Kavanaugh Text or substantially the same text messages to Plaintiffs and Class Members using equipment that had

the capacity to store or produce telephone numbers to be called using a random or sequential number generator, and to dial such numbers.

20. The Judicial Crisis Network knowingly and with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value, caused a caller identification service to transmit misleading or inaccurate caller identification information, namely a number that when dialed connected to Senator Donnelly's office, with the Kavanaugh Text to the Plaintiffs and Class Members.

CLASS ACTION ALLEGATIONS

21. Plaintiffs incorporate by reference the paragraphs set out above as if fully set forth herein.

22. Plaintiffs bring this action individually and as a class action on behalf of the following proposed class (the "Class"):

All individuals to whom the Judicial Crisis Network ("Defendant") sent the "Kavanaugh Text" to the individuals' cell phone by use of an automatic dialing system without prior express consent to send those SMS messages.

23. This action is properly maintainable as a class action under Federal Rule of Civil Procedure 23(a) and (b)(3).

24. The Class is so numerous that joinder of all members is impracticable.

25. There are numerous questions of law and fact common to Plaintiffs and Class Members, including the following:

- 1) Whether Defendant violated the TCPA by sending unauthorized text messages to Plaintiffs and Class Members;

- 2) Whether Defendant sent the text messages in question using an automatic telephone dialing system;
- 3) Whether Plaintiffs and Class Members are entitled to statutory damages under the TCPA;
- 4) Whether Defendant's actions were knowing or willful and, if so, whether the Court should treble the statutory damages awarded to Plaintiffs and Class Members; and
- 5) Whether Defendant violated the ITCIA by sending text messages with misleading or inaccurate caller information; and
- 6) Whether Plaintiffs and Class Members are entitled to damages under the ITCIA.

26. Plaintiffs' claims are typical of the claims of the Class in that the representative Plaintiffs, like all Class Members, received the Kavanaugh Text from the Judicial Crisis Network using an automatic telephone dialing system without prior express consent and with misleading caller identification information.

27. Plaintiffs will fairly and adequately protect the interests of the Class. Plaintiffs have retained counsel who is experienced in class-action and complex litigation. Plaintiffs have no interests that are adverse to, or in conflict with, other members of the Class.

28. The prosecution of separate actions by the individual Class Members would create a risk of inconsistent or varying adjudications with respect to

individual Class Members, which would establish incompatible standards of conduct for Judicial Crisis Network.

29. The questions of law and fact common to the Class Members predominate over any questions that may affect only individual members, particularly because the focus of the litigation will be on the Judicial Crisis Network's conduct.

30. A class action is superior to other available methods for the fair and efficient adjudication of the controversy. Moreover, absent a class action, most Class Members would likely find the cost of litigating their claims prohibitively high and would therefore have no effective remedy.

**COUNT I- VIOLATION OF THE TELEPHONE
CONSUMER PROTECTION ACT, 47 U.S.C. § 227, ET SEQ.**

31. Plaintiffs incorporate by reference the paragraphs above as if fully set forth herein.

32. The TCPA and its implementing regulations provide that it shall be unlawful to call a wireless telephone number using any automatic telephone dialing system without the recipient's prior express consent. 47 U.S.C. § 227 (b)(1)(A)(iii).

33. The TCPA defines an "automatic telephone dialing system" as "equipment which has the capacity (A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers." 47 U.S.C. § 227(a)(1).

34. The Judicial Crisis Network sent text messages to the wireless telephone numbers of Plaintiffs and Class Members using an automatic telephone dialing system without their prior express consent.

35. By sending the text messages to Plaintiffs and the Class, the Judicial Crisis Network violated, among other laws, 47 U.S.C. § 227(b)(1)(A)(iii).

36. As a result of the Judicial Crisis Network's violation of the TCPA, the Class Members, under section 227(b)(3)(B), are each entitled to a minimum of \$500.00 in damages for each such violation of the TCPA, as well as such other relief as may be appropriate under the circumstances.

37. Should the Court determine that the Judicial Crisis Network's conduct was willful or knowing, the Court may, pursuant to section 227(b)(3)(C), treble the amount of statutory damages recoverable by Plaintiffs and the other Class Members.

**COUNT II- VIOLATION OF THE INDIANA TRUTH IN CALLER ID ACT,
Ind. Code §§ 24-5-14.5, ET SEQ.**

38. Plaintiffs incorporate by reference the paragraphs above as if fully set forth herein.

39. The ITCIA provides that it shall be unlawful to, "in connection with any telecommunications service or interconnected VOIP service, knowingly and with the intent to defraud or cause harm to another person or to wrongfully obtain anything of value, cause any caller identification service to transmit misleading or inaccurate caller identification information to a subscriber." Ind. Code § 24-5-14.5-9.

40. The Judicial Crisis Network sent these text messages through a telecommunications service or VOIP service.

41. The Judicial Crisis Network knowingly caused the caller identification service to connect Plaintiffs to Senator Donnelly's office, thereby transmitting misleading and inaccurate caller identification information to a subscriber.

42. Under the ITCIA, "any person who is aggrieved by a violation of this chapter may bring an action" if there was intentional wrongdoing. Ind. Code § 24-5-14.5-13(a); Ind. Code § 24-5-14.5-14.

43. The Judicial Crisis Network intentionally caused the transmission of misleading or inaccurate caller identification information to a subscriber.

44. By sending the text messages to Plaintiffs and the Class, the Judicial Crisis Network has violated Ind. Code § 24-5-14.5-9.

PRAYER FOR RELIEF

Plaintiffs, individually and on behalf of the Class, request that the Court enter judgment against Defendant, as follows:

1. An order certifying this action as a class action under Federal Rule of Civil Procedure 23(a) and (b)(3);
2. An award to Plaintiffs and the Class of actual, statutory, and treble damages;
3. An award of attorneys' fees, costs, and expenses;
4. All other relief provided under the TCPA and ITCIA; and

5. Such other or further relief as may be appropriate under the circumstances.

DEMAND FOR JURY TRIAL

Plaintiffs, by counsel, respectfully request a trial by jury on all issues so triable.

Dated: July 27, 2018

Respectfully submitted,

/s/Richard E. Shevitz
Irwin B. Levin, No. 8786-49
Richard E. Shevitz, No. 12007-49
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Counsel for Plaintiffs and the Class

EXHIBIT B

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

SHEHAN WIJESINHA
individually and on behalf of all
others similarly situated,

Plaintiff,

CLASS ACTION

JURY TRIAL DEMANDED

v.

SUSAN B. ANTHONY LIST, INC.

Defendant.

_____ /

CLASS ACTION COMPLAINT

Plaintiff Shehan Wijesinha brings this class action against Defendant Susan B. Anthony List, Inc. (“SBA List”) and alleges as follows upon personal knowledge as to himself and his own acts and experiences, and, as to all other matters, upon information and belief, including investigation conducted by his attorneys.

NATURE OF THE ACTION

1. This is a putative class action under the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.*, (“TCPA”), arising from Defendant’s knowing and willful violations of the TCPA.

2. SBA List is a political group advancing pro-life laws. It is headquartered in Washington, DC.

3. Plaintiff and Class Members have no relationship with Defendant, and never provided their telephone numbers to Defendant.

4. Nevertheless, Defendant embarked on an unsolicited text message campaign, causing Plaintiff and class members injuries, including invasion of their privacy, aggravation, annoyance, intrusion on seclusion, trespass, and conversion.

5. Through this action, Plaintiff seeks injunctive relief to halt Defendant's illegal conduct. Plaintiff also seeks statutory damages on behalf of herself and Class Members, as defined below, and any other available legal or equitable remedies resulting from the illegal actions of Defendant.

JURISDICTION AND VENUE

6. Jurisdiction is proper under 28 U.S.C. § 1331 as Plaintiff alleges violations of a federal statute. Jurisdiction is also proper under 28 U.S.C. § 1332(d)(2) because Plaintiff alleges a national class, which will result in at least one Class member belonging to a different state than Defendant. Plaintiff seeks up to \$1,500.00 in damages for each text message that is in violation of the TCPA, which, when aggregated among a proposed class numbering in the tens of thousands, or more, exceeds the \$5,000,000.00 threshold for federal court jurisdiction under the Class Action Fairness Act ("CAFA").

7. Venue is proper in the United States District Court for the Southern District of Florida pursuant to 28 U.S.C. §§ 1391(b) and (c) because Defendant are deemed to reside in any judicial district in which it is subject to the court's personal jurisdiction, and because Defendant provide and market their services within this district thereby establishing sufficient contacts to subject it to personal jurisdiction. Further, Defendant's tortious conduct against Plaintiff occurred within this district and, on information and belief, Defendant sent the same text message complained of by Plaintiff to other individuals within this judicial district, such that some of Defendant's acts have occurred within this district, subjecting Defendant to jurisdiction here.

PARTIES

8. Plaintiff is a natural person who, at all times relevant to this action, was a resident of Miami, Florida.

9. SBA List is a 501(c)(4) non-profit organization with its principal office located at 1200 New Hampshire Ave NW Suite 750, Washington, DC 20036. SBA List targets Florida residents with

its political messages.

THE TCPA

10. The TCPA prohibits: (1) any person from calling a cellular telephone number; (2) using an automatic telephone dialing system; (3) without the recipient's prior express consent. 47 U.S.C. § 227(b)(1)(A).

11. The TCPA defines an "automatic telephone dialing system" ("ATDS") as "equipment that has the capacity - (A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers." 47 U.S.C. § 227(a)(1).

12. The TCPA exists to prevent communications like the ones described within this Complaint. *See Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 744 (2012).

13. In an action under the TCPA, a plaintiff must show only that the defendant "called a number assigned to a cellular telephone service using an automatic dialing system or prerecorded voice." *Breslow v. Wells Fargo Bank, N.A.*, 857 F. Supp. 2d 1316, 1319 (S.D. Fla. 2012), *aff'd*, 755 F.3d 1265 (11th Cir. 2014).

14. The Federal Communications Commission ("FCC") is empowered to issue rules and regulations implementing the TCPA. According to the FCC's findings, calls in violation of the TCPA are prohibited because, as Congress found, automated or prerecorded telephone calls are a greater nuisance and invasion of privacy than live solicitation calls, and such calls can be costly and inconvenient. The FCC also recognized that wireless customers are charged for incoming calls whether they pay in advance or after the minutes are used.

15. A defendant must demonstrate that it obtained the plaintiff's prior express consent before using an automatic dialing system to contact an individual. *See In the Matter of Rules and Regulations Implementing the Tel. Consumer Prot. Act of 1991*, 30 FCC Rcd. 7961, 7991-92 (2015)

(requiring express consent “for non-telemarketing and non-advertising calls”).

16. Lastly, with respect to standing, as recently held by the United States Court of Appeals for the Ninth Circuit:

Unsolicited [] phone calls or text messages, by their nature, invade the privacy and disturb the solitude of their recipients. A plaintiff alleging a violation under the TCPA “need not allege any *additional* harm beyond the one Congress has identified.”

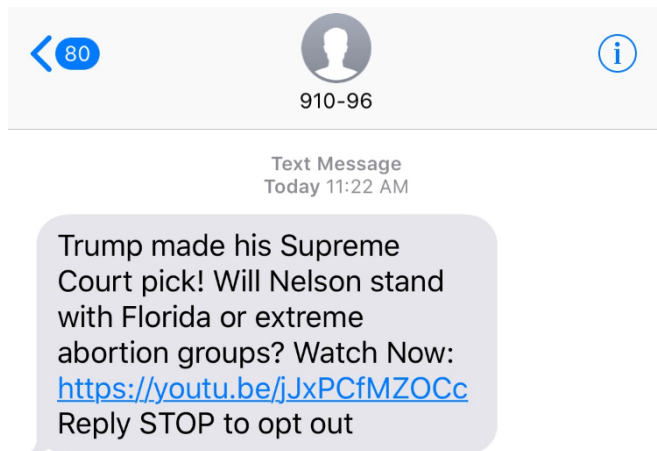
Van Patten v. Vertical Fitness Grp., LLC, 847 F.3d 1037 (9th Cir. 2017) (quoting *Spokeo, Inc. v. Robins*, 136 S. Ct. 1540 (2016)).

17. Similarly, the United States Court of Appeals for the Second Circuit recently held that the receipt of an unsolicited call “demonstrates more than a bare violation and satisfies the concrete-injury requirement for standing.” *Leyse v. Lifetime Entm't Servs., LLC*, Nos. 16-1133-cv, 16-1425-cv, 2017 U.S. App. LEXIS 2607 (2d Cir. Feb. 15, 2017) (citing *In re Methyl Tertiary Butyl Ether (MTBE) Prods. Liab. Litig.*, 725 F.3d 65, 105 (2d Cir. 2013) (“The injury-in-fact necessary for standing need not be large; an identifiable trifle will suffice.”); *Golan v. Veritas Entm't, LLC*, 788 F.3d 814, 819-21 (8th Cir. 2015) (holding that receipt of two brief unsolicited robocalls as voicemail messages was sufficient to establish standing under TCPA); *Palm Beach Golf Ctr.-Boca, Inc. v. John G. Sarris, D.D.S., P.A.*, 781 F.3d 1245, 1252 (11th Cir. 2015) (holding that injury under similar TCPA provision may be shown by one-minute occupation of fax machine)).

FACTS

18. Defendant embarked upon an intrusive automated text messaging campaign to promote their pro-life political agenda.

19. Specifically, on July 13, 2018, Defendant placed, or caused to be placed, an automated text message to Plaintiff’s cellular telephone number ending in 7557 (“7557 Number”):



20. When Plaintiff clicked on the included hyperlink, it transferred him to a video produced by and posted on YouTube by SBA List.

21. Plaintiff received the subject text within this judicial district and, therefore, Defendant's violation of the TCPA occurred within this district. Upon information and belief, Defendant caused similar texts to be placed to individuals residing within this judicial district.

22. At no point in time did Plaintiff provide Defendant with his express consent to be contacted by telephone using an ATDS.

23. Plaintiff is the subscriber and sole user of the 7557 Number.

24. The number used by Defendant (910-96) is known as a "short code," a standard code that enables Defendant to send SMS text messages *en masse*.

25. This short code was provided to Defendant by CDYNE Corporation ("CDYNE"), a company that hosts a text messaging platform that permitted Defendant to transmit thousands of automated text messages without any human involvement. In fact, on its website, CDYNE boasts that that its system can "Deliver thousands of messages in *seconds*["] (emphasis in the original).¹

¹ See <http://sms.cdyne.com/>; (last accessed on July 17, 2018).

26. The CDYNE platform utilized by Defendant has the current capacity or present ability to generate or store random or sequential numbers or to dial sequentially or randomly at the time the call is made, and to dial such numbers, *en masse*, in an automated fashion without human intervention.

27. Further, the impersonal and generic nature of Defendant's text message, demonstrates that Defendant utilized an ATDS in transmitting the messages. *See Jenkins v. LL Atlanta, LLC*, No. 1:14-cv-2791-WSD, 2016 U.S. Dist. LEXIS 30051, at *11 (N.D. Ga. Mar. 9, 2016) ("These assertions, combined with the generic, impersonal nature of the text message advertisements and the use of a short code, support an inference that the text messages were sent using an ATDS.") (citing *Legg v. Voice Media Grp., Inc.*, 20 F. Supp. 3d 1370, 1354 (S.D. Fla. 2014) (plaintiff alleged facts sufficient to infer text messages were sent using ATDS; use of a short code and volume of mass messaging alleged would be impractical without use of an ATDS)); *Kramer v. Autobytel, Inc.*, 759 F. Supp. 2d 1165, 1171 (N.D. Cal. 2010) (finding it "plausible" that defendants used an ATDS where messages were advertisements written in an impersonal manner and sent from short code); *Hickey v. Voxernet LLC*, 887 F. Supp. 2d 1125, 1130; *Robbins v. Coca-Cola Co.*, No. 13-CV-132-IEG NLS, 2013 U.S. Dist. LEXIS 72725, 2013 WL 2252646, at *3 (S.D. Cal. May 22, 2013) (observing that mass messaging would be impracticable without use of an ATDS)).

28. Specifically, the text messages do not identify the intended recipient by name nor provide any identifiable characteristic of the intended recipient. Instead the text message is drafted so that it can be sent out *en masse* without variation.

29. Defendant's unsolicited text caused Plaintiff actual harm, including invasion of his privacy, aggravation, annoyance, intrusion on seclusion, trespass, and conversion. Defendant's text message also inconvenienced Plaintiff and caused disruption to his daily life.

CLASS ALLEGATIONS

PROPOSED CLASS

30. Plaintiff brings this case as a class action pursuant to Fed. R. Civ. P. 23, on behalf of himself and all others similarly situated.

31. Plaintiff brings this case on behalf of the below defined Class:

All persons within the United States (1) who, within the four years prior to the filing of this Complaint; (2) were sent a text message; (3) from Defendant or anyone on Defendant's behalf; (4) to said person's cellular telephone number; (5) using the same equipment, or type of equipment, used to text Plaintiff's cellular telephone; (6) without the recipient's prior express consent.

32. Defendant and their employees or agents are excluded from the Class. Plaintiff does not know the number of members in the Class but believes the Class members number in the several thousands, if not more.

NUMEROSITY

33. Upon information and belief, Defendant has placed automated text messages to cellular telephone numbers belonging to thousands of consumers throughout the United States without their prior express consent. The members of the Class, therefore, are believed to be so numerous that joinder of all members is impracticable.

34. The exact number and identities of the Class members are unknown at this time and can be ascertained only through discovery. Identification of the Class members is a matter capable of ministerial determination from Defendant's text message records.

COMMON QUESTIONS OF LAW AND FACT

35. There are numerous questions of law and fact common to the Class which predominate over any questions affecting only individual members of the Class. Among the questions of law and fact common to the Class are:

- (1) Whether Defendant made non-emergency text messages to Plaintiff and Class members' cellular telephones using an ATDS;
- (2) Whether Defendant can meet their burden of showing that they obtained prior express written consent to make such text messages;
- (3) Whether Defendant's conduct was knowing and willful;
- (4) Whether Defendant are liable for damages, and the amount of such damages;
and
- (5) Whether Defendant should be enjoined from such conduct in the future.

36. The common questions in this case are capable of having common answers. If Plaintiff's claim that Defendant places automated and/or prerecorded telephone numbers assigned to cellular telephone services is accurate, Plaintiff and the Class members will have identical claims capable of being efficiently adjudicated and administered in this case.

TYPICALITY

37. Plaintiff's claims are typical of the claims of the Class members, as they are all based on the same factual and legal theories.

PROTECTING THE INTERESTS OF THE CLASS MEMBERS

38. Plaintiff is a representative who will fully and adequately assert and protect the interests of the Class and has retained competent counsel. Accordingly, Plaintiff is an adequate representative and will fairly and adequately protect the interests of the Class.

SUPERIORITY

39. A class action is superior to all other available methods for the fair and efficient adjudication of this lawsuit, because individual litigation of the claims of all members of the Class is economically unfeasible and procedurally impracticable. While the aggregate damages sustained by the

Class are in the millions of dollars, the individual damages incurred by each member of the Class resulting from Defendant's wrongful conduct are too small to warrant the expense of individual lawsuits. The likelihood of individual Class members prosecuting their own separate claims is remote, and, even if every member of the Class could afford individual litigation, the court system would be unduly burdened by individual litigation of such cases.

40. The prosecution of separate actions by members of the Class would create a risk of establishing inconsistent rulings and/or incompatible standards of conduct for Defendant. For example, one court might enjoin Defendant from performing the challenged acts, whereas another may not. Additionally, individual actions may be dispositive of the interests of the Class, although certain class members are not parties to such actions.

COUNT I
Violations of the TCPA, 47 U.S.C. § 227(b)
(On Behalf of Plaintiff and the Class)

41. Plaintiff re-alleges and incorporates the foregoing allegations as if fully set forth herein.

42. It is a violation of the TCPA to make "any call (other than a call made for emergency purposes or made with the prior express consent of the called party) using any automatic telephone dialing system ... to any telephone number assigned to a ... cellular telephone service" 47 U.S.C. § 227(b)(1)(A)(iii).

43. The TCPA defines an "automatic telephone dialing system" (hereinafter "ATDS") as "equipment which has the capacity – (A) to store or produce telephone numbers to be called, using a random or sequential number generator; and (B) to dial such numbers." *Id.* at § 227(a)(1).

44. Defendant – or third parties directed by Defendant – used equipment having the capacity to store telephone numbers, using a random or sequential generator, and to dial such numbers and/or to dial numbers from a list automatically, without human intervention, to make non-emergency telephone

calls to the cellular telephones of Plaintiff and the other members of the Class.

45. These text messages were sent without regard to whether Defendant had first obtained express permission from the text messaged party to make such text messages. In fact, Defendant did not have prior express consent to text message the cell phones of Plaintiff and the other members of the putative Class when its text messages were made.

46. Defendant violated § 227(b)(1)(A)(iii) of the TCPA by using an automatic telephone dialing system to send non-emergency telephone text messages to the cell phones of Plaintiff and the other members of the putative Class without their prior express consent.

47. All Defendant are directly, jointly, or vicariously liable for each such violation of the TCPA.

48. As a result of Defendant's conduct and pursuant to § 227(b)(3) of the TCPA, Plaintiff and Class Members were harmed and are each entitled to a minimum of \$500.00 in damages for each violation. Plaintiff and the class are also entitled to an injunction against future calls or text messages.

WHEREFORE, Plaintiff Shehan Wijesinha, on behalf of himself and the other members of the Class, prays for the following relief:

a. A declaration that Defendant practices described herein violate the Telephone Consumer Protection Act, 47 U.S.C. § 227;

b. A declaration that Defendant violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, were willful and knowing;

c. An injunction prohibiting Defendant from using an automatic telephone dialing system to call or text message telephone numbers assigned to cellular telephones without the prior express consent of the called party;

d. An award of actual, statutory damages, and/or trebled statutory damages; and

e. Such further and other relief the Court deems reasonable and just.

JURY DEMAND

Plaintiff and Class Members hereby demand a trial by jury.

DOCUMENT PRESERVATION DEMAND

Plaintiff demands that Defendant take affirmative steps to preserve all records, lists, electronic databases or other itemization of telephone numbers associated with Defendant and the communication or transmittal of telephone text messages as alleged herein.

Date: July 17, 2018

Respectfully submitted,

IJH Law

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Counsel for Plaintiff

EXHIBIT C

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

MARLO KATZ and MATTHEW)
DOUBLESTEIN, individually and on)
behalf of all others similarly situated,)
) No. 1:18-cv-02297-JPH-MPB
Plaintiffs,)
)
vs.)
)
JUDICIAL CRISIS NETWORK,)
)
Defendant.)
)

STIPULATION OF VOLUNTARY DISMISSAL WITH PREJUDICE

Plaintiffs Marlo Katz and Matthew Doublestein, by counsel, in accordance with Federal Rule of Civil Procedure 41(a)(1)(ii), hereby dismiss this action with prejudice, each side to bear its own fees and costs. This stipulation has been signed by all parties who have appeared.

Dated: December 12, 2018

Respectfully submitted,

s/Vess A. Miller

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Counsel for Defendant

EXHIBIT D

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MARLO KATZ and MATTHEW)
DOUBLESTEIN, individually and) No. 1:18-cv-02297-JPH-MPB
on behalf of all others similarly)
situated,)
)
)
Plaintiffs,)
)
vs.)
)
JUDICIAL CRISIS NETWORK,)
)
Defendant.)

**UNOPPOSED MOTION FOR EXTENSION OF TIME FOR FILING AND
BRIEFING ON MOTION FOR CLASS CERTIFICATION**

Plaintiffs Marlo Katz and Matthew Doublestein, by counsel, individually and on behalf of all others similarly situated, respectfully move the Court under Local Rule 7-1 to extend the time for filing of, and briefing on, Plaintiffs' motion for class certification by approximately 30 days. In support, Plaintiffs state:

1. Plaintiffs' motion for class certification is currently due on December 3, 2018, Defendant's response is due January 2, 2019, and Plaintiffs' reply is due February 1, 2019. *See* ECF No. 22 § IX.

2. Plaintiffs have served discovery on Defendant and on a non-party relating to the motion, and the parties have engaged in informal discovery and discussions relating to the case.

3. To permit the parties additional time for discussions and completion of any necessary discovery, Plaintiffs request that the Court extend the class certification filing and briefing deadlines by 30 days as follows: Plaintiffs' motion for class certification due January 2, 2019, Defendant's response to the motion due February 4, 2019, and Plaintiffs' reply due March 6, 2019.

4. This motion is made for purposes of orderly disposition of the case and not for purposes of unfair delay or advantage.

5. Defendant does not oppose this extension.

WHEREFORE, Plaintiffs respectfully move the Court to extend the class certification filing and briefing deadlines as follows: Plaintiffs' motion for class certification due January 2, 2019, Defendant's response to the motion due February 4, 2019, and Plaintiffs' reply due March 6, 2019.

Dated: November 28, 2018

Respectfully submitted,

/s/Vess A. Miller

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***Counsel for Plaintiffs and the
Class***

CERTIFICATE OF SERVICE

I certify that on November 28, 2018 a copy of the foregoing document was filed electronically. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

s/Vess A. Miller

Vess A. Miller

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EXHIBIT E



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 16-1299
November 18, 2016
Enforcement Advisory No. 2016-06

FCC ENFORCEMENT ADVISORY

ROBOTEXT CONSUMER PROTECTION

TEXT MESSAGE SENDERS MUST COMPLY WITH THE TELEPHONE CONSUMER PROTECTION ACT

The FCC's Enforcement Bureau issues this Advisory to promote understanding of the clear limits on the use of autodialed text messages, known as "robotexts." The FCC is committed to protecting consumers from harassing, intrusive, illegal, and unwanted robotexts to cell phones and other mobile devices.

The FCC has stated that the restrictions on making autodialed calls to cell phones encompass both voice calls and texts.¹ Accordingly, text messages sent to cell phones using any automatic telephone dialing system are subject to the Telephone Consumer Protection Act of 1991 ("TCPA").² The term "automatic telephone dialing system" (or "autodialer") covers any equipment that has the capacity to store or produce numbers to be dialed and dial them without human intervention but does not need to have the present ability to do so.³

The TCPA places limits on autodialed calls and prerecorded- or artificial-voice⁴ calls to wireless numbers; emergency numbers; guest or patient rooms at hospitals, health care facilities, elderly homes, or similar

¹ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Report and Order, 18 FCC Rcd 14014, 14115, para. 165 (2003).

² *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991*, Declaratory Ruling and Order, 30 FCC Rcd 7961, 7978, 8017, paras. 24, 111-15 (2015) (*TCPA Omnibus Declaratory Ruling and Order*), *pets. for review pending sub nom. ACA Int'l v. FCC*, No. 15-1211 (D.C. Cir. filed July 10, 2015). Just as texts are a subset of "calls" under the TCPA, "robotexts" are a subset of "robocalls." See *id.* at 7964, para. 1 & n.1.

³ *TCPA Omnibus Declaratory Ruling and Order*, 30 FCC Rcd at 7973-74, 7975-76, paras. 14-15, 19. A robotext platform may be deemed to have initiated the text for purposes of liability under the TCPA in certain circumstances. *Id.* at 7980-81, para. 30 & n.110.

⁴ We refer to prerecorded- or artificial-voice calls together as "prerecorded" calls.

establishments; and to any service for which the called party is charged for the call.⁵ The FCC's corresponding rules⁶ restrict the use of prerecorded-voice calls and automatic telephone dialing systems, including those that deliver robotexts.⁷ The FCC's Enforcement Bureau will rigorously enforce the important consumer protections in the TCPA and our corresponding rules. We expect this Advisory will facilitate compliance with the law and rules by those who initiate robotexts to mobile devices.

Restrictions on Robotexts. The TCPA prohibits autodialed calls or text messages, as well as prerecorded calls, unless made with the prior express consent of the called party, to any telephone number assigned to a cell phone or other mobile device (such as a pager), unless the calls or text messages are: (1) made for emergency purposes; (2) free to the end user and have been exempted by the Commission, subject to conditions prescribed to protect consumer privacy rights; or (3) made solely to collect debts "owed to or guaranteed by the United States."⁸

Consumer Consent. Those contending that they have prior express consent to make robotexts to mobile devices have the burden of proving that they obtained such consent.⁹ This includes text messages from text messaging apps and Internet-to-phone text messaging where the technology meets the statutory definition of an autodialer.¹⁰ The fact that a consumer's wireless number is in the contact list of another person's wireless phone does not, by itself, demonstrate consent to receive robotexts.¹¹ Further, recipients may revoke their

⁵ 47 U.S.C. § 227(b)(1)(A). The TCPA also places limits on unsolicited prerecorded telemarketing calls to residential telephones. See 47 U.S.C. § 227(b)(1)(B).

⁶ See 47 CFR § 64.1200.

⁷ By this Enforcement Advisory, the FCC's Enforcement Bureau highlights certain obligations under the TCPA and corresponding Commission rules. Failure to receive this notice does not absolve an entity of the obligation to meet the requirements of the Communications Act of 1934, as amended, or the Commission's rules and orders. Companies, individuals, and other entities should read the full text of the relevant portions of the TCPA and corresponding Commission rules, respectively, at 47 U.S.C. § 227 and 47 CFR § 64.1200, as well as FCC orders interpreting and/or applying those provisions.

⁸ See 47 U.S.C. § 227(b)(1)(A)(iii); see also 47 CFR § 64.1200(a)(1)(iii) (prohibiting such calls to "any telephone number assigned to a paging service, cellular telephone service, specialized mobile radio service, or other radio common carrier service, or any service which the called party is charged for the call"). Congress has amended Section 227 to except federal debt collection calls and the Commission recently implemented rules related to that exception. *Rules and Regulations Implementing the Telephone Consumers Protection Act of 1991*, Report and Order, FCC 16-99 (Aug. 11, 2016), 2016 WL 4250379.

⁹ *TCPA Omnibus Declaratory Ruling and Order*, 30 FCC Rcd at 7990, para. 47; see also *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Request of ACA International for Clarification and Declaratory Ruling*, Declaratory Ruling, 23 FCC Rcd 559, 565, para. 10 (2008) (concluding that creditors and debt collectors claiming prior express consent to make prerecorded-voice or autodialed calls to cell phones are responsible for demonstrating such consent was obtained).

¹⁰ *TCPA Omnibus Declaratory Ruling and Order*, 30 FCC Rcd at 8020, paras. 115-16 (consumer consent required for autodialed Internet-to-phone text messages and for text messages sent from apps "that enable entities to send text messages to all or substantially all text-capable U.S. telephone numbers, including through the use of autodialer applications downloaded or otherwise installed on mobile phones").

¹¹ *Id.* at 7989, para. 47.

consent at any time using any reasonable method.¹² When a recipient of an autodialed text has revoked consent to receive future robotexts, the text sender may immediately send one final autodialed text to confirm the recipient's opt-out request.¹³

Advertising Robotexts. Prior express *written* consent is required for autodialed texts that include or introduce an advertisement except in certain limited circumstances.¹⁴ Even if a person has provided such consent, however, his or her later opt-out request requires the sender to stop sending text advertisements.¹⁵

Robotexts to Reassigned Wireless Numbers. The Commission has determined that when a caller reasonably relies on prior express consent to robocall or robotext a wireless number and does not discover that the number has been reassigned to another party prior to making the call or text, the caller is not liable for the first call or text going to the called party who did not provide consent.¹⁶ They are, however, liable for any continued calls or text messages to a reassigned number after the initial call or text, regardless of whether or when they learn of the reassignment.¹⁷

Enforcement. Robotext violations are subject to enforcement by the FCC, including forfeiture penalties up to \$18,936 per violation,¹⁸ and state enforcement agencies.

¹² *Id.* at 7996, paras. 55-70. The prior express consent requirement is subject to limited exemptions granted by the Commission for specific types of calls; all exempted of these types must result in no charge to the called party and must satisfy specified conditions. *See id.* at 8027-28, para 138 (financial alerts); *id.* at 7986, para. 40 (collect calling agencies setting up a billing relationship); *id.* at 8031-32 paras. 147-48 (certain healthcare messages); *see also Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, Cargo Airline Association Petition for Expedited Declaratory Ruling, Order*, 29 FCC Rcd 3432, 3439, para. 21 (2014) (certain package delivery notifications).

¹³ *Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991, SoundBite Communications, Inc. Petition for Expedited Declaratory Ruling, Declaratory Ruling*, 27 FCC Rcd 15391 (2012) (setting forth certain requirements that the one-time text must meet).

¹⁴ *See* 47 CFR § 64.1200(a)(2) (requiring prior express written consent for prerecorded and autodialed telephone calls that include or introduce an advertisement or constitute telemarketing, except that consent need not be in writing for certain health care calls and calls made by or on behalf of a tax-exempt nonprofit organization).

¹⁵ *TCPA Omnibus Declaratory Ruling and Order*, 30 FCC Rcd at 7996, para. 64.

¹⁶ *Id.* at 8006-07, para. 85 (emphasizing that the caller bears the burden of demonstrating a reasonable basis for believing that he had consent to make the call and that he did not know about the number reassignment when making the one allowable call).

¹⁷ *Id.* at 8006-07, 8009, paras. 85, 89.

¹⁸ Before proposing a monetary forfeiture penalty against a party that does not, or should not, hold an FCC license, permit, certificate, or other authorization, the FCC must first issue a warning citation. 47 U.S.C. § 503(b)(5). If a party continues to violate the Communications Act or the Commission's rules after receiving a citation, the FCC may impose a monetary forfeiture penalty covering both violations that occur after the citation and those violations that were addressed in the citation. *See* S. Rep. No. 95-580, 95th Cong., 1st Sess. at 9 (1977), *reprinted in* 1978 U.S.C.C.A.N. 109 (If a person or entity that has been issued a citation by the Commission thereafter engages in the conduct for which the citation of violation was sent, the subsequent notice of apparent liability "would attach not only for the conduct occurring subsequently *but also for the conduct for which the citation was originally sent.*") (emphasis added).

Need More Information? Media inquiries should be directed to Will Wiquist at (202) 418-0509 or will.wiquist@fcc.gov. Information about the Telephone Consumer Protection Act is available here: <https://www.fcc.gov/general/telemarketing-and-robocalls>. For general information on the FCC, you can contact the FCC at 1-888-CALL-FCC (1-888-225-5322) or visit our website at www.fcc.gov.

Consumer complaints. To file a complaint with the FCC about a robotext, visit consumercomplaints.fcc.gov or call (888) CALL-FCC.

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (TTY).

Issued by: Chief, Enforcement Bureau