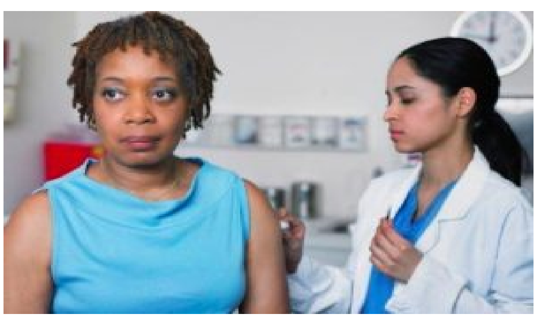
Wrong Numbers, Bankruptcies, and a Quadruple Bypass: Robocalls from Creditors Don't Stop

More than [30 billion robocalls] were dialed to U.S. consumers in 2017, many of which were calls placed by creditors to cellphones for the purpose of collecting a debt. The Telephone Consumer Protection Act (TCPA) gives consumers a say in who is allowed to call their cellphone, requiring creditors and all non-emergency callers to obtain consent before using an automated dialing system (autodialer) to dial a cellphone number. But consent is often buried in the fine print of consumer contracts, including agreements with well-known banks, credit card companies, and retailers. Yet, even after consumers revoke their consent and tell the callers to "stop calling," the harassing robocalls don't stop. The following are examples of the [more than 4,000 lawsuits] filed each year addressing violations of consumers' rights under the TCPA.

2,000 wrong number calls. Johnna Ehrlich of Florida received over 2,000 calls from Comenity Bank regarding her grandmother's debts. Ms. Ehrlich received as many as 10 calls per day beginning as early at 7 am. Despite repeatedly telling Comenity that the phone number was not her grandmother's and that they did not have her consent to call, the collection calls continued until Ms. Ehrlich filed a lawsuit against Comenity that was settled. *Ehrlich v. Comenity Bank, Case No. 2:16-cv-14534 (S.D. Fla. Aug. 30, 2017).*

Panic attack, headache, and insomnia-inducing robocalls. Lakisha T. Smith of Michigan had a debt to Stellar Recovery discharged in bankruptcy in 2014. Nevertheless, Stellar continued calling Ms. Smith at a phone number she hadn't provided consent for the debt collector to call. Using a per-minute-based phone plan, Ms. Smith incurred a fee for each call she received. The calls triggered panic attacks, headaches, and insomnia, and they continued despite repeated pleas to stop. Ms. Smith's lawsuit against Steller Recovery was settled. *Smith v. Stellar Recovery, Case No. 2:15-cv-11717 (E.D. Mich. May 22, 2017).*



Robocallers bypass the consent requirement. After encountering health problems that culminated in a quadruple heart bypass surgery, Natalyn Hill of Florida fell behind on her car payments. She explained her situation and asked at least 10 times for the calls to stop, but Ms. Hill still received over 800 robocalls from Hyundai over the course of her recovery. Ms. Hill's lawsuit against Hyundai was settled. *Hill v. Hyundai Capital America, Inc., Case No. 6:15-cv-02020 (M.D. Fla. Sept. 20, 2016).*

Bankrupt and fed up, the calls kept coming. Cheryl Pennant of Washington State received approximately 120 robocalls from Boeing Credit Union about her credit card debt, despite repeatedly telling Boeing she was in the process of declaring bankruptcy and giving her attorney's contact information. Boeing sometimes called 5 times a day and more than 15 times a week, long after Ms. Pennant revoked consent and demanded that the calls stop. Ms. Pennant's lawsuit was settled. *Pennant v. Boeing Employees' Credit Union Fin. Servs. Inc., Case No. 2:11-cv-1697 (W.D. Wash. Oct. 12, 2011).*

The Telephone Consumer Protection Act gives consumers the right to tell robocallers to stop calling, but they aren't listening. The FCC must maintain a broad autodialer definition and strong rules to reign in unwanted robocalls.