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Phone: +1 646 783 7100 | Fax: +1 646 783 7161 | customerservice@law360.com

T-Mobile To Pay \$5M To End TCPA Suit Over Robocalls

By **Michael Lipkin**

Law360, Los Angeles (March 10, 2014, 3:29 PM ET) -- T-Mobile USA Inc. has agreed to pay up to \$5 million to settle a putative consumer class action alleging the company used autodialers to call non-T-Mobile customers on their cellphones without their consent in violation of the Telephone Consumer Protection Act, according to a motion filed Friday in California federal court.

T-Mobile will pay up to \$90 to each member of the class, which has about 100,000 members, according to the plaintiffs' motion seeking preliminary approval of the settlement. The proposed class includes any non-T-Mobile customers who received cellphone calls from T-Mobile using an automated system between 2008 and 2012, and who had not given T-Mobile express consent.

About \$1.2 million in legal and administrative costs will also be paid from the up to \$5 million settlement fund. In offering the settlement, T-Mobile denies any wrongdoing or liability in the suit, according to the motion. If the settlement is approved, the plaintiffs agree to dismiss all of their claims related to the suit.

"If the action were to continue, defendant would oppose any class certification motion made by plaintiff, thereby placing in doubt whether a class could be certified," the motion said. "As a result, class counsel supports the settlement."

Plaintiff Sayan Aboudi sued T-Mobile in 2012, alleging he received a series of calls on his cellphone from T-Mobile seeking to collect an outstanding debt from a third-party that Aboudi claims he did not know. The calls were placed by an automated telephone dialing service in violation of the Telephone Consumer Protection Act, the suit claimed.

Aboudi said he got several of these calls a day, and when he answered, he told T-Mobile that they had the wrong number and to stop calling him. Aboudi claimed he was not a T-Mobile customer and had never given the company his cellphone number or permission to call him.

Aboudi's suit claimed T-Mobile negligently and intentionally violated the TCPA, seeking \$500 and \$1,500 per violation, respectively.

Representatives for the parties did not immediately respond Monday to requests for comment.

The plaintiffs are represented by Todd Friedman and Nicholas Bontrager of the Law Offices of Todd M. Friedman PC, L. Paul Mankin IV of the Law Offices of L. Paul Mankin IV, Abbas Kazerounian of Kazerounian Group APC and Joshua Swigart of Hyde & Swigart.

T-Mobile is represented by Deborah Jones, Christine Roberts and Kristine McAlister Brown of Alston & Bird LLP.

The case is Sayan Aboudi v. T-Mobile USA Inc. et al., case number 3:12-cv-02169, in the U.S. District Court for the Southern District of California.

--Editing by Katherine Rautenberg.

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