

Seventh Circuit Court Of Appeal (Mostly) Affirms Judgment Against Dish

The Seventh Circuit Court of Appeals is ruling on the Dish Networks \$280M settlement reports Eric J. Troutman in *TCPA World*.

“The appellate court concluded that the district court made no material legal errors save one— in assessing damages the Court started with the Plaintiff’s ability to pay and worked backward. The Court determined that proper constitutional analysis starts with the amount of harm actually caused, and then application of a multiplier.”

“The appellate court concluded that the district court’s award amounted to \$4.00 per violation and suggested that if the harm caused per call was \$1.00 than the judgment would certainly be proper. But it remanded for the lower court to assess the damage of an unwanted call (according to one expert the cost per unwanted call is as low as 6.8 cents, which would make a proper award no higher than 72 cents a call using a 9 times multiplier.)”

Read the article.