

No. 19-511

IN THE
Supreme Court of the United States

FACEBOOK INC.,

Petitioners

v.

NOAH DUGUID, INDIVIDUALLY AND ON BEHALF OF HIMSELF
AND OTHERS SIMILARLY SITUATED

Respondents

On Writ Of Certiorari
To The United States Court Of Appeals
For The Fourth Circuit

**BRIEF *AMICI CURIAE* OF 21 MEMBERS OF CONGRESS
SUPPORTING AFFIRMANCE**

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INTEREST OF *AMICI CURIAE*¹

Amici are Members of Congress, some of whom were instrumental in the enactment of the Telephone Consumer Protection Act (TCPA), 47 U.S.C. §227 (hereinafter TCPA), and all of whom have had experience with Congress' role in legislative oversight of the TCPA. Thus, *amici* are particularly well placed to provide the Court with background on the text, structure, and history of the TCPA and the manner in which it was intended to operate.

Amici have unique knowledge and a strong interest in ensuring that the TCPA is construed by the federal courts in accord with its text and purpose.

A full listing of congressional *amici* appears in Appendix A.

¹ Pursuant to Rule 37.6, Amicus Curiae affirms that no counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than Amicus Curiae, its members, or its counsel made a monetary contribution to its preparation or submission. Respondents' letters consenting to the filing of amicus briefs in support of either party has been filed with the Clerk. Petitioners have separately consented to this amicus brief.

SUMMARY OF ARGUMENT

In 1991, a bipartisan Congress enacted the TCPA to stop the scourge of robocalls because “[b]anning such automated or prerecorded telephone calls. . . is the only effective means of protecting telephone consumers from this nuisance and privacy invasion.” Telephone Consumer Protection Act of 1991, Pub. L. No. 102-243, 105 Stat. 2394–95. The TCPA remains an essential, if not more essential, piece of legislation today. By restricting calls made to cell phones using robocall technology, among other provisions, the TCPA prevents a countless number of unwanted robocalls every year, every day, and indeed every hour and minute, from intruding on Americans’ privacy, scamming their wallets, and overwhelming their confidence in the nation’s telephone networks.

Congress recognized the implications of unregulated robocalls and accordingly banned unsolicited autodialed calls to cellular telephone numbers and other specialized telephone lines. 47 U.S.C. § 227(b)(3); *see also* S. REP. NO. 102-178, at 5 (1991), *reprinted in* 1991 U.S.C.C.A.N. 1968, 1972–1973 (“The Committee believes that Federal legislation is necessary to protect the public from automated telephone calls. These calls can be an invasion of privacy, an impediment to interstate commerce, and a

disruption to essential public safety services.”).

As then Representative Markey put it: “The reason for the proliferation of such unsolicited advertising over our Nation’s telecommunications network is that companies can now target their marketing . . . corporate America has your number.” *Bills to Amend the Communications Act of 1934 to Regulate the Use of Telephones in Making Commercial Solicitations and to Protect the Privacy Rights of Subscribers: Hearing on H.R. 1304 and H.R. 1305 before the Subcomm. on Telecomm. and Fin. of the House Comm. on Energy and Commerce, 102nd Cong. 2* (1991) (statement of Rep. Markey).

A growing number of telemarketers had also begun to pair their databases with automatic dialing technology “to increase their number of customer contacts.” H.R. REP. NO. 102-317, at 10 (1991). Congress was concerned autodialers were exacerbating the growing problem of unsolicited calls, as they were being used to make “millions of calls every day” and “each system has the capacity to automatically dial as many as 1,000 phones per day.” H.R. REP. NO. 102-317, at 10 (1991).

One such dialing technology in use when Congress enacted the TCPA in 1991 were predictive dialers. *See The Automated Telephone Consumer*

Protection Act of 1991: Hearing on S. 1462 before the Sen. Subcomm. on Commc'ns of the Comm. on Commerce, Sci., and Transp., 102nd Cong. 16 (1991) (testimony of Robert S. Bulmash that thirty to forty percent of telemarketers were using predictive dialers in 1991). Then, as now, predictive dialers dialed numbers from lists automatically, and algorithms predicted how many consumers would answer. If someone answered, the call would be transferred to a live agent, if an agent was available. In doing so, the predictive dialing system would dial many numbers for every available agent. This often resulted in the dialer hanging up on the consumer when an agent was unavailable or would result in a long pause while the call was transferred to the agent.

Thus, Congress defined Automatic Telephone Dialing System (“ATDS”) to encompass systems like predictive dialers that dial telephone numbers stored in a list or database (the “store” prong) *and* systems that dial arbitrary numbers *produced* by a random or sequential number generator (the “produce” prong). *See* 47 U.S.C. § 227(a)(1) (ATDS “means 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.”) (emphasis added).

The TCPA has been consistently enforced to include both randomly dialed numbers and dialing from databases without consent. Even then, complaints about robocalls have increased. Simply put, robocalls are not only a nuisance to those that receive them, they are threatening the viability of the telephone as a useful means of communication. As Senator Brian Schatz has noted, “robocalls have turned us into a nation of call screeners,” which presents a “significant economic issue.” *Illegal Robocalls: Calling all to Stop the Scourge: Hearing before the Subcommittee On Communications, Technology, Innovation, and the Internet, of the Committee on Commerce, Science, and Transportation, 116th Cong.* (Apr. 11, 2019). Many people now refuse to answer calls from numbers they do not recognize, which can lead to harmful results. *See e.g.*, Tim Harper, *Why Robocalls are Even Worse Than You Thought*, CONSUMER REPORTS, May 15, 2019, available at <https://www.consumerreports.org/robocalls/why-robocalls-are-even-worse-than-you-thought/> (reporting delays in medical treatment because people no longer respond to calls from medical specialists).

Thus, a narrow reading of the TCPA to exclude dialing from databases and limit application to numbers that were randomly generated

would reverse decades of precedent and gives a green light to telemarketers and scammers who will suddenly be free to initiate billions of automated calls to Americans who have a united distain for intrusive robocalls.

ARGUMENT

I. The TCPA is a critical law that stops intrusions on Americans' privacy, deters scams, and protects the integrity of the telephone as a means of communication.

A. A bipartisan Congress enacted the TCPA to stop the scourge of robocalls.

As noted by this Court just this year, “Americans passionately disagree about many things. But they are largely united in their disdain for robocalls. The Federal Government receives a staggering number of complaints about robocalls—3.7 million complaints in 2019 alone. The States likewise field a constant barrage of complaints. For nearly 30 years, the people’s representatives in Congress have been fighting back.” *Barr v. Am. Ass'n of Political Consultants*, 140 S. Ct. 2335, 2343 (2020)

Congress has been fighting back through the TCPA, which is the product of overwhelming bipartisan support, enjoying both Democratic and Republican co-sponsors in Congress, and passing both houses by voice vote in November 1991. *S.1462 – Telephone Consumer Protection Act of 1991 - Actions*, Congress.gov, <https://www.congress.gov/bill/102nd-congress/senate-bill/1462/actions>.

“Senator Hollings, the TCPA’s sponsor, described these calls as ‘the scourge of modern civilization. They wake us up in the morning; they interrupt our dinner at night; they force the sick and elderly out of bed; they hound us until we want to rip the telephone out of the wall.’” *Osorio v. State Farm Bank, F.S.B.*, 746 F.3d 1242, 1255–56 (11th Cir. 2014) (quoting 137 Cong. Rec. 30821 (1991)). Similarly, Congressman Markey, another one of the TCPA’s authors, noted “the aim of this legislation is ... to secure an individual’s right to privacy that might be unintentionally intruded upon by these new technologies. For this reason the legislation addresses live unsolicited commercial telemarketing to residential subscribers.” 137 Cong. Rec. 11310 (1991).

As the House Committee on Energy and Commerce reported at the time, new and “sophisticated, computer driven telemarketing tools have caused the frequency and number of unsolicited telemarketing calls [to] increase markedly.” H.R. Rep. No. 102-317, at 6 (1991). “[T]he entire sales to service marketing function has been automated. Modern telemarketing software organizes information on current and prospective clients into databases designed to support businesses in every aspect of telephone sales[.]” *Id.* at 7. “Hundreds of companies” had begun developing and

selling computer database telemarketing applications. *Ibid.* Other companies had begun to sell instructional videos on how to engage in “Database Marketing.” *Id.* at 8.

As it was debating the TCPA, Congress was already aware a burgeoning market for consumer contact information also made it easier than ever for telemarketers to fill their databases with phone numbers of consumers or businesses to call. *Id.* at 7 (“Businesses routinely purchase data from multiple sources in an effort to create unique product or service specific databases.”); *see also The Automated Telephone Consumer Protection Act of 1991: Hearing on S. 1462 before the Sen. Subcomm. on Commc’ns of the Comm. on Commerce, Sci., and Transp.*, 102nd Cong. 27 (July 24, 1991) (“There are list brokers out there whose business it is to sell phone numbers, names, and so on and so forth, to the telemarketing industry[.]”) (Stmt. Of Robert S. Bulmash).

These advances in database telemarketing had resulted in an explosion of telemarketing calls. As noted above, unsolicited telemarketing was rapidly expanding prior to 1991 because companies obtained consumers’ telephone numbers to use to make unwanted to telemarketing calls. *See Bills to Amend the Communications Act of 1934*

to Regulate the Use of Telephones in Making Commercial Solicitations and to Protect the Privacy Rights of Subscribers: Hearing on H.R. 1304 and H.R. 1305 before the Subcomm. on Telecomm. and Fin. of the House Comm. on Energy and Commerce, 102nd Cong. 2 (1991). Congress clearly intended to address this concern of dialing from lists.

These list-based dialing systems were paired with automatic dialing technology “to increase their number of customer contacts.” H.R. REP. NO. 102-317, at 10 (1991). Congress was concerned autodialers were exacerbating the growing problem of unsolicited calls, as they were being used to make “millions of calls every day” and “each system has the capacity to automatically dial as many as 1,000 phones per day.” H.R. REP. NO. 102-317, at 10 (1991). Congress found autodialers to be particularly problematic when used to call cellular telephone numbers, because they “impose a cost on the called party . . . cellular users must pay for each incoming call.” S. REP. NO. 102-178, at 2 (1991). These concerns (the sheer number of calls and the costs they impose on cellular telephone users) extended beyond the dialing of arbitrary phone numbers generated by random or sequential number generators. Indeed, Congress was aware that only “*some* automatic dialers” generated random numbers. S. Rep. No.

102-178, at 2 (1991) (emphasis added).

By the time the TCPA was enacted in 1991, thirty to forty percent of telemarketers were using predictive dialing systems according to the testimony presented to Congress. *See The Automated Telephone Consumer Protection Act of 1991: Hearing on S. 1462 before the Sen. Subcomm. on Commc'ns of the Comm. on Commerce, Sci., and Transp.*, 102nd Cong. 16 (1991) (testimony of Robert S. Bulmash).

The fact Congress intended the definition of ATDS to cover automated calls made from lists, in which live operators came on on the line after the recipient answered the call, is illustrated by the discussion in the House Committee about the nuisance caused by these machines. Testimony was provided before Congress in 1991 that outlined the nuisance caused by these autodialing machines, as distinguished from calls using prerecorded voices: “What we are encountering is many people picking up the phone, hearing dead air and then being hung up on.” *See The Automated Telephone Consumer Protection Act of 1991: Hearing on S. 1462 before the Sen. Subcomm. on Commc'ns of the Comm. on Commerce, Sci., and Transp.*, 102nd Cong. 16 (testimony of Robert S. Bulmash); *see also id.* at 24-25.

Congress acted by banning the use of any automatic telephone dialing system (ATDS) to place calls to cellular telephone numbers and other specialized telephone lines, unless such calls were “made for emergency purposes” or “made with the prior express consent of the called party.” 47 U.S.C. § 227(b)(1)(A). In order to ensure the industry did not defeat the aim of the TCPA, Congress defined ATDS to encompass systems like predictive dialers that dial telephone numbers stored in a list or database (the “store” prong) *and* systems that dial arbitrary numbers *produced* by a random or sequential number generator (the “produce” prong). *See* 47 U.S.C. § 227(a)(1) (ATDS “means 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.”) (emphasis added). By including the store prong, Congress ensured it did not exclude the list based dialing systems that it was concerned about, and which *at least* thirty to forty percent of telemarketers were using at the time of enactment.

B. The TCPA deters countless robocalls and protects Americans from scammers who use robocalls to prey on consumers.

Since 1991, the TCPA has stopped a countless number of calls from reaching mobile phones that sit in people’s pockets, purses, and palms.

Public and private enforcement has helped discourage telemarketers and others from using automated calling technology to contact consumers without their prior consent.

Nevertheless, the need for the TCPA's protections is ongoing as automated telephone calls continue to proliferate. "Unwanted calls are far and away the biggest consumer complaint to the FCC with over 200,000 complaints each year – around 60 percent of all the complaints [the FCC] receive[s]." FCC, *The FCC's Push to Combat Robocalls & Spoofing*, <https://www.fcc.gov/about-fcc/fcc-initiatives/fccs-push-combat-robocalls-spoofing>. As noted above in 2019 alone, the FTC received 3.7 million complaints in addition to the States likewise fielding a constant barrage of complaints. *Barr supra* at 2343.

The FCC's and FTC's figures almost certainly understate the problem's scope as many consumers do not contact Federal government agencies to file a complaint. It has been reported that Americans received over 30 billion robocalls in 2017 alone. Herb Weisbaum, *It's Not Just You—Americans Received 30 Billion Robocalls Last Year*, NBC News, Jan. 17, 2018. The number of robocalls has almost doubled in just two years with 58.5 billion robocalls reported for 2019. *See Americans Hit by Over 58*

Billion Robocalls in 2019, Says YouMail Robocall Index, Cision PR Newswire (Jan 15, 2020), <https://www.prnewswire.com/news-releases/americans-hit-by-over-58-billion-robocalls-in-2019-says-youmail-robocall-index-300987126.html>. Likewise, *The New York Times* has reported extensively on the exploding number of robocall complaints and widespread consumer outrage about illegal telemarketing. Gail Collins, *Let's Destroy Robocalls*, N.Y. Times, Mar. 1, 2019; Tara Siegel Bernard, *Yes, It's Bad. Robocalls, and Their Scams, Are Surging*, N.Y. Times, May 6, 2018.

And in the face of the Covid-19 pandemic, the FCC has reported “phone scammers have seized the opportunity, using robocalls and call-back scams to offer free home testing kits, promote bogus cures, sell health insurance, and promise financial relief.” See <https://www.fcc.gov/covid-19-robocall-scams> (last visited October 9, 2020). It is worth noting that many of these scams do not make just one call to the consumer, but repeatedly call back the same consumer. This means that these repeated calls are not random because the phone numbers that are repeatedly called back had to have been stored in a database prior to the subsequent calls. The FCC also reported that “Consumers aren't the only target. Small

businesses are also getting scam calls about virus-related funding or loans and online listing verification.” *Id.* Without the TCPA protections against these calls, most of these scams will go unaddressed since it is beyond the ability of most consumers to litigate a fraud claim against a caller.

This explosion of unwanted robocalls has occurred despite the protections and penalties provided by the TCPA. Thus, it is self-evident that without those protections and penalties, the already-enormous number of unwanted robocalls would exponentially increase, as the low cost and high scalability of automated call technology would grant nearly any company with a product or service the unfettered ability to assault the full public with a non-stop wave of unwanted calls around the clock.

Since the TCPA’s initial passage in 1991, robocalls have become an even more pernicious problem because scammers are increasingly using robocalling technology to perpetrate their schemes, often targeting senior citizens and other vulnerable populations. Scammers are using spoofing technology (which allows them to fraudulently hide the originating number of the call to, for example, make it look like a call is coming from a recipient’s neighbor or a trusted entity) in conjunction with automation to make robocalls which target and reach an enormous number of

vulnerable consumers. For example, in a span of three month between 2015 and 2016, Adrian Abramovich, allegedly made 96 million spoofed robocalls to trick consumers into sales pitches for vacation packages. FCC, *FCC ISSUES \$120 MILLION FINE FOR SPOOFED ROBOCALLS* (2018), <https://www.fcc.gov/document/fcc-fines-massive-neighbor-spoofing-robocall-operation-120-million>. In 2019, Congress determined that these scam robocalls are a growing concern and estimated that “in 2019, nearly 50 percent of all calls to mobile phones will be scam robocalls.” S. Rep. No. 116-41, 2–3 (2019).

A reversal of *Facebook, Inc.* would exclude from the definition of ATDS unwanted robocalls where the number originated from a list even where the caller has no consent or relationship with the business or consumer called. In such a scenario, the TCPA would exclude a telemarketing robocall campaign that called every cellular number in the entire Country every hour of the day, which can easily be done via the internet from a home office let alone a well-resourced telemarketer.

C. Narrowing the TCPA would be disastrous for America because unrestricted robocalls would completely undermine the telephone as a means of communication.

Even with the TCPA in place, robocalls are already threatening the

viability of the telephone as a useful means of communication for commercial, governmental, or social uses. Lately, Americans have been screening all of their calls, causing both known and unknown consequences. Many people now refuse to answer calls from unfamiliar sources, sometimes leading to harmful results. *See, e.g.,* Tim Harper, *Why Robocalls are Even Worse Than You Thought*, Consumer Reps., May 15, 2019 (reporting delays in medical treatment because people no longer respond to calls from medical specialists); Tara Siegel Bernard, *Yes, It's Bad. Robocalls, and Their Scams, Are Surging*, N.Y. Times, May 6, 2018 (reporting that one doctor ignored a call from the emergency room because he assumed it was a robocall).

In one survey, 70 percent of respondents said they stopped answering calls from numbers they do not recognize. Octavio Blanco, *Mad About Robocalls*, Consumer Reps., Apr. 2, 2019. As a result, robocallers have simply started dialing more numbers in order to reach the same number of people. Elaine S. Povich, *States Try to Silence Robocalls, But They're Worse Than Ever*, Pew Stateline Blog (July 25, 2018), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2018/07/25/states-try-to-silence-robocalls-but->

theyre-worse-than-ever. The constant bombardment of our mobile devices could render them effectively useless as a means of telephony.

A deluge of robocalls would also have a disproportionate impact on consumers, often low income individuals and seniors, who rely on pre-paid plans. Lawmakers knew this was a problem when TCPA was first enacted: since minutes were expensive and robocalls could cause consumers to use up their valuable minutes, they limited robocalls to cellular phones. And even today, for those with pre-paid plans, minutes remain precious, and the rules remain essential. If *Facebook, Inc., is reversed* some consumers might simply disable the voice calls feature on their phones to try to protect themselves, while possibly preventing the legitimate and necessary communications and commerce from flowing from one phone to another. The impact would be dramatic and devastating. So just as the number of unwanted calls continues to grow despite the existence and enforcement of the TCPA, in the absence of the safeguards provided by the TCPA, the number of unwanted calls would grow exponentially, as businesses and others could make robocalls with impunity.

As such, interpreting ATDS to only apply to random dialing systems that create numbers out of thin air ignores the intent of Congress shown

by the TCPA's legislative history when the legislation was enacted with bipartisan support and would render our cell phones utterly useless as a means of communication.

II. *Facebook* should be affirmed.

The TCPA defines 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.” 47 U.S.C. § 227(a)(1).

The Ninth Circuit held:

By definition, an ATDS must have the capacity "to store or produce telephone numbers to be called, using a random or sequential number generator." 47 U.S.C. § 227(a)(1)(A). In *Marks*, we clarified that the adverbial phrase "using a random or sequential number generator" modifies only the verb "to produce," and not the preceding verb, "to store." 904 F.3d at 1052. In other words, an ATDS need not be able to use a random or sequential generator to store numbers—it suffices to merely have the capacity to "store numbers to be called" and "to dial such numbers automatically." *Id.* at 1053.

Duguid v. Facebook, Inc., 926 F.3d 1146, 1151 (9th Cir. 2019)

The Ninth Circuit’s reading is consistent with the language of the TCPA and context of the dialing systems Congress was concerned about when the TCPA was enacted.

A. ATDS Is Not Limited to Devices that Randomly Produce Telephone Numbers

The definition of ATDS is written in the disjunctive – its plain language encompasses systems that automatically dial telephone numbers after *either* storing those telephone numbers to be called (the “store” prong) *or* producing those telephone numbers to be called using a random or sequential number generator (the “produce” prong).

Under this interpretation, the clause “using a random or sequential number generator” modifies only the verb “produce;” it does not reach back to also modify the verb “store.” “This means the numbers to be called by an ATDS may be ‘stored’ or they may be ‘produced,’ but only if they are produced must they come from ‘a random or sequential number generator.’” *Duran v. La Boom Disco, Inc.*, 955 F.3d 279, 283-84 (2d Cir. 2020). By this reading, the ATDS definition is not limited to devices with the capacity to generate random or sequential telephone numbers, but “also includes devices with the capacity to dial stored numbers

automatically.” *Marks v. Crunch San Diego, LLC*, 904 F.3d 1041, 1052 (9th Cir. 2018).

B. The Statutory Context Confirms Regulation of List-Based Dialing Systems

The statutory context of the TCPA confirms its application to list-based autodialers and precludes reversal of the Ninth Circuit’s interpretation. First, the legislative history set forth above makes it clear Congress was concerned with corporate America buying lists to make telemarketing calls and not just randomly created numbers.

Second, the statute creates an affirmative defense for ATDS calls made to cellular telephone numbers when they are made with “the prior express consent of the called party.” 47 U.S.C. § 227(b)(1)(A). A consent defense for ATDS calls serves little purpose if the only systems regulated by the ATDS provision are those that dial telephone numbers generated out of thin air. Robocalling users of those systems could only ever establish a consent defense through sheer dumb luck because they are, by definition, calling completely arbitrary telephone numbers. The only conceivable way for callers using automated systems to ensure they call telephone numbers with consent is to *use a targeted list* of telephone numbers believed to have consent. But, of course, if they do that, then they are not using an ATDS

(as the Circuit Court sees it) in the first place, and thus have no need for a consent defense. *See Marks*, 904 F.3d at 1052 (“to take advantage of this permitted use, an autodialer would have to dial from a list of phone numbers of persons who had consented to such calls, rather than merely dialing a block of random or sequential numbers.”)

As the Sixth Circuit aptly held in *Allan*, “[t]he consent exception is key to defining ATDS because an exception cannot exist without a rule. An exception for consented-to calls implies that the autodialer ban otherwise could be interpreted to prohibit consented-to calls. And consented-to calls by their nature are calls made to known persons, i.e., persons whose numbers are stored on a list and were not randomly generated. Therefore, the TCPA's exception for calls made to known, consenting recipients implies that the autodialer ban applies to stored-number systems.” *Allan v. Penn. Higher Educ. Assistance Agency*, 2020 U.S. App. LEXIS 23935 at 15-16 (6th Cir. July 29, 2020).

Although the telemarketing industry argues § 227(b)(1) also regulates calls made “using an artificial or prerecorded voice” such that the consent defense is not applicable, that argument fails. The TCPA does not limit the consent defense only to prerecorded calls. As both the Second

Circuit and Sixth Circuit have now held, “the language of the statute does not make that distinction.” *Allan*, 2020 U.S. App. LEXIS 23935 at 16-17 (quoting *Duran*, 955 F.3d at 279, n.20).

As shown above, Congress was concerned about both database telemarketing and random number generation when enacting the TCPA in 1991. Allowing unwanted robocalls simply because the numbers came from a list defeats the language and purpose of the TCPA.

CONCLUSION

The TCPA remains a critical piece of legislation. By restricting calls made to cell phones using robocall technology, among other provisions, the TCPA prevents a countless number of unwanted robocalls every year, every day, and indeed every hour and minute, from intruding on Americans' privacy, scamming their wallets, and overwhelming our confidence in the nation's telephone networks. These calls harm business and consumers alike.

For the foregoing reasons, *amici* respectfully request that the Court affirm *Duguid v. Facebook, Inc.*, 926 F.3d 1146, 1151 (9th Cir. 2019).

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Dated: October 22, 2020

APPENDIX: LIST OF *AMICI CURIAE*

Sen. Edward J. Markey (D-Mass.)
Sen. Robert Menendez (D-N.J.)
Sen. Ben Cardin (D-Md.)
Sen. Jeff Merkley (D-Ore.)
Sen. Richard Blumenthal (D-Conn.)
Sen. Elizabeth Warren (D-Mass)
Sen. Tammy Baldwin (D-Wisc.)
Sen. Sheldon Whitehouse (D-R.I.)
Sen. Ron Wyden (D-Ore.)
Sen. Sherrod Brown (D-OH)
Sen. Tom Carper (D-Del.).

Rep. Anna G. Eshoo (CA-18)
Rep. Doris Matsui (CA-06)
Rep. Tony Cárdenas (CA-29)
Rep. Jerry McNerney (CA-09)
Rep. Jackie Speier (CA-14)
Rep. Jamie Raskin (MD-08)
Rep. Alcee L. Hastings (FL-20)
Rep. Ed Case (HI-01)
Rep. Bobby L. Rush (IL-01)
Rep. Marc A. Veasey (TX-33)