



Stellar Recovery Secures Milestone Victory in TCPA Case

JACKSONVILLE, FLORIDA, UNITED STATES, September 12, 2016 /EINPresswire.com/ -- [Stellar Recovery](#) secured an important court victory this month which significantly reduces the legal risk associated with the use of telephone dialing technologies to contact consumers. As those in the collection industry are well aware, the Telephone Consumer Protection Act ("TCPA") prohibits the use of automatic telephone dialing systems ("ATDS") when calling cellular telephones. Just what constitutes an ATDS, however, has been a hotly debated question that Stellar Recovery has now had answered in a resounding victory for the collection industry. On September 2, 2016 United States Magistrate Judge Anthony E. Porcelli of the US District Court for the Middle District of Florida ruled that the LiveVox Human Call Initiator ("HCI") application utilized by Stellar Recovery to contact consumers on known cell phone numbers is not an automatic telephone dialing system ("ATDS") under the Telephone Consumer Protection Act ("TCPA"). The case is *Pozo v. Stellar Recovery*.

The Plaintiff in the case alleged that Stellar had violated the TCPA by calling his cell phone using an ATDS. Stellar countered that the LiveVox HCI system that it used to call the Plaintiff required human intervention to launch each call, did not have the capacity to auto-dial and contained no predictive functionality or random or sequential number generating abilities and therefore did not constitute an ATDS under the TCPA.

Judge Porcelli's 13 page "common sense" analysis of the case provides a detailed overview of the TCPA and the human intervention element, citing a wide variety of other cases that have addressed the issues and focusing on the fact that HCI lacks the capacity to be an autodialer as defined by the TCPA.

The impact of this ruling in Stellar Recovery's favor is significant and will favorably impact Stellar's ability to collect debts for its clients in a compliant and cost-effective manner. In recent years courts across the country have been inundated with TCPA lawsuits providing for statutory damages between \$500 and \$1,500 per call, and interpretive rulings by the FCC have served to complicate the issues and highlight the challenges that collection agencies face in balancing efficient call placement with TCPA compliance. Stellar has invested considerable resources into compliant dialing, and the Pozo ruling is especially significant because it represents the first time that the HCI system has been judicially analyzed and found to be compliant. Stellar is mounting further aggressive defenses of HCI in other jurisdictions and is pleased to be leading the way in identifying and standing behind compliant calling systems. The benefit of Stellar's approach to compliant dialing is passed along to Stellar's clients who can rely on Stellar to take all possible steps to insure maximum TCPA compliance in the complex and ever-evolving legal and regulatory landscape of consumer collections.

Stellar Recovery, Inc. is located in Jacksonville, FL. Please visit our website at www.stellarrecoveryinc.com.

Lashanna Gilbert
Stellar Recovery

904-438-2500
email us here

This press release can be viewed online at: <http://www.einpresswire.com>

Disclaimer: If you have any questions regarding information in this press release please contact the company listed in the press release. Please do not contact EIN Presswire. We will be unable to assist you with your inquiry. EIN Presswire disclaims any content contained in these releases.

© 1995-2016 IPD Group, Inc. All Right Reserved.