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Class action lawsuit against NRA and InfoCision for their nationwide campaign of flouting the Telephone Consumer Protection Act by making unsolicited and unapproved robocalls even to people on the National Do-Not-Call Registry

MAINE – This morning, Travis McEwen, of Casco, Maine, filed a class action complaint in the U.S. District Court in Portland, Maine, against the National Rifle Association and InfoCision, Inc., a direct marketing company used by the NRA to place marketing calls. The suit alleges that for years Defendants have been violating the Telephone Consumer Protection Act (TCPA) by using an automatic telephone dialing system to place calls to consumers around the country, including consumers who had placed their numbers on the National Do Not Call Registry.

Mr. McEwen began receiving unsolicited calls from InfoCision for the NRA in late 2018, even though he had put his phone number on the National Do Not Call Registry. For months, he received multiple calls per week, and the calls continued even after he told them he did not want to purchase an NRA membership and did not want them to call him. “My phone just kept ringing,” said Mr. McEwen. “I didn’t know how to get the NRA to stop calling me.” Finally, he learned that the NRA had its own do-not-call list and asked to be placed on it. The calls stopped for a while, but in late 2019, they began again. He received automated calls from InfoCision for the NRA every few days for months. He counted at least 16 calls over a few months, but he received many more before then. “I ignored the calls at first because I hoped they would go away, but they just kept calling.” He finally spoke with a representative and demanded again that he be placed on the NRA’s do-not-call list. “The calls have stopped for now,” said Mr. McEwen, “but I know they will start again if I don’t take action.”

The lawsuit alleges that Mr. McEwen’s experience was repeated throughout the country, with the NRA and InfoCision using an automatic telephone dialing system to repeatedly call consumers who never consented to such calls. To make matters worse, some victims, like Mr. McEwen, had placed their phone numbers on the National Do Not Call Registry to avoid telemarketing calls. Under the TCPA, it is illegal (1) for telemarketers to place automated calls to consumers without

their

prior express written consent, and (2) to call consumers who place their numbers on the National Do Not Call Registry.

“The TCPA gives consumers the right to be left alone by telemarketers unless they get permission first,” said Attorney Kim Stephens. “In its all-consuming desire to refill its coffers, the NRA has brazenly violated that right.”

The lawsuit seeks to stop the NRA’s unlawful practice of making unsolicited telemarketing calls with an automatic telephone dialing system without consumers’ consent, stop the NRA’s unlawful practice of calling consumers who are on the National Do Not Call Registry, and obtain redress for consumers who experienced these unwelcome calls.

“We want to send a clear message that Travis and other Americans cannot be harassed by unwanted phone calls from the NRA or any telemarketer,” said Attorney David Webbert.

Defendants have a history of legal improprieties. In 2018, InfoCision agreed to pay a fine to the Federal Trade Commission for engaging in deceptive telemarketing practices. The NRA recently announced that it is cutting staff and salaries as it continues to struggle financially following a wave of legal trouble, which has reportedly cost the organization more than \$100 million.

Mr. McEwen is represented by Kim Stephens and Kaleigh Powell of Tousley Brain Stephens, PLLC in Seattle and Spokane, Washington; David Webbert, Jeffrey Young, and Shelby Leighton of Johnson, Webbert & Young, LLP in Augusta and Portland, Maine; Stefan Coleman of Law Office of Stefan Coleman PLLC in Lakewood, New Jersey; and Steven L. Woodrow of Woodrow and Peluso LLC in Denver, Colorado.

About Tousley Brain Stephens

Tousley Brain Stephens, PLLC, has extensive experience in class action litigation and has prosecuted numerous multi-million dollar class actions across the nation, including in the areas of consumer protection, product liability, securities, and employment. For more information, visit tousley.com or call 206-682-5600.

About Johnson, Webbert & Young

Johnson, Webbert & Young, LLP, is the leading class action and civil rights firm in Northern New England. Partner David Webbert is one of only five Maine lawyers on the Super Lawyers List of the Top 100 Lawyers in New England. JWY has offices in Portland and Augusta, Maine. For additional information, visit www.johnsonwebbert.com or call 207-623-5110.

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