

UPDATE: YouMail CEO Writes TCPAWorld.com to Clarify Company's Role in Robocall Enforcement Effort

Article By:

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As we reported last week, the US DOJ recently succeeded in earning a preliminary [injunction shutting down a U.S. carrier upon a probable cause finding that the carrier was a "participant" in a robocall fraud ring](#). The evidence of participation included "knowledge" of fraudulent activity demonstrated by, *inter alia*, data from YouMail.

As I wrote last week, the use of data aggregated by robocall blocking apps seems a touch out of pace with the rigorous rules surrounding the admissibility of evidence in federal court— *especially* when a Defendant might be ultimately charged with fraud in reliance on the evidence.

Well the CEO of YouMail—[our pal Alex Quilici](#)—saw the post and was quick to speak up. He tells us:

This appears to be somewhat misrepresenting the role of companies like YouMail and NoMoRobo. We are not the ones that decide what's illegal or legal. We simply supply evidence of interesting, potentially illegal activity – for example, a voicemail that was left that appears to be a government imposter scam – along with estimates of the likely scale of that activity. We leave it up to others to decide more about whether it's illegal, to trace back the call to the source carrier and/or customer, to inform the carrier about the activity, and take it from there. For example, if a voicemail says it's from the SSA, it's easy enough for someone – whether it's us, or the tracebook group, or law enforcement who is following up on the activity – to ask the SSA "Is that you leaving the message?" If they say, no, it's illegal. From there, the judicial system can decide what the intent is of a carrier who is notified that millions of those calls are being made every day through them and who does not take action to stop them. It's sort of amazing that 3rd party apps can now provide a valuable role in protecting not just their users, but the phone network as a whole. But we aren't the arbiters of what carriers are thinking or whether carriers live or die – we simply shine a valuable light on what they are actually doing.

There's a lot more to this story, as it represents a remarkable evolution in the law. We now see

carriers being held to account for the actions of users of their networks although no law or regulation appears to mandate that they monitor that traffic to assure compliance with the law. As Mr. Quilici explains, his company isn't trying to play judge, jury or executioner—but carriers *are* being held to account for the conduct of network users based upon the data captured by his company.

Really fascinating stuff. More to come, and you can [bet we'll be discussing this on the big webinar this week](#). #webiczar.

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