

# **TCPA Quick Hitter: Shelton Beats Hapless TCPA Defendant One More Time— Overcomes Challenge to Judgment Based on TCPA Recordings**

Article By:

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I don't like promoting successes by the "bad guys" so I'll make this quick.

TCPAWorld will recall the plight of defense lawyer [Joshua Thomas who recently faced sanctions after his client lost a case to TCPA repeat-player James E. Shelton](#). Thomas' client FCS has [been beaten by Shelton after failing to respond to discovery or a summary judgment motion](#). Then the Court ordered FCS to respond to post-judgment discovery regarding its financial wherewithal.

In the meantime some of Shelton's remarks regarding his efforts to sue for calls under the TCPA—["we're pillaging them" and all that](#)—so FCS sought to use these statements to set aside the judgment against it. It didn't work.

In *Shelton v. Fcs Capital Llc*, Case No. 2:18-cv-03723-JDW, 2020 U.S. Dist. LEXIS 105730 (E.D. Pa. June 17, 2020) the Court flat rejected FCS' effort to set aside the judgment against it. In the first place, the court finds the transcripts likely aren't admissible. In the second place, they don't reflect a reason to set aside the judgment anyway.

The Court also refused to set aside its order compelling responses to Plaintiff's post-judgment discovery efforts. Defendant argued that the order did not comply with Rule 7(d). But Rule 7(d) doesn't exist. So.... yeah.

I don't even know what to say about this at this point. Just keeping everyone in the loop.

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