

THE ANTI-ROBOCALL LITIGATION TASK FORCE LAUNCHES ITS FIRST ATTACK: VoIP Platform is the First to Take Lashing from the 50 State AG Task Force

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Happy Tuesday TCPA World, the Duchess here to bring you the tail of yet another carrier being targeted, this one is a bit different though, and if the allegations are true, rightfully so.

Back in August of 2022 all 50 states AG's offices launched a bipartisan task force called, Anti-Robocall Litigation Task Force, with the only goal being to end illegal robocalls. Ohio's AG likened the task force to a bug zapper taking out all the pesky and annoying robocalls.

Just last week the task force took its first legal action, 48 states plus DC, filed a [141-page lawsuit](#) against a VoIP provider Avid Telecom located in Tucson, AZ. The lawsuit specifically names the owner and CEO, Michael Lansky, along with the VP of Operations and Sales, Stacey Reeves. This a great reminder that you can be personally named in TCPA lawsuits.

So just what went wrong at Avid Telecom, A LOT! For starters, they had received more than 329 Traceback notifications from the ITG. The Lawsuit goes on to say that even if they never received any of these notices, they should have known based on their call detail records. Apparently, this guy Lansky had been on notice for years, looks like time finally ran out!

Check out a high-level list of some of the claims from the Anti-Robocall Litigation Task Force's lawsuit, it's a bit of a doozy.

- The lawsuit claims Avid Telecom facilitated robocall campaigns where the telemarketer or seller:
 - a. Misrepresented material aspects of goods or services, in violation of 16 C.F.R. § 310.3(a)(2)(iii);
 - b. Misrepresented the seller's or telemarketer's affiliation with corporations or government entities, in violation of 16 C.F.R. § 310.3(a)(2)(vii);
 - c. Made false or misleading statements to induce any person to pay for goods or services, in violation of 16 C.F.R. § 310.3(a)(4);

d. Failed to transmit or cause to be transmitted the real telephone number and the name of the telemarketer to caller identification services used by call recipients, in violation of 16 C.F.R. § 310.4(a)(8);

e. Initiated or caused the initiation of outbound calls to telephone numbers on the National Do Not Call Registry, in violation of 16 C.F.R. § 310.4(b)(1)(iii)(B);

f. Initiated or caused the initiation of outbound telephone calls that delivered prerecorded messages, in violation of 16 C.F.R. § 310.4(b)(1)(v); and/or

g. Failed to disclose the identity of the seller of the goods or services truthfully, promptly, and in a clear and conspicuous manner to the person receiving the call, in violation of 16 C.F.R. § 310.4(d)(1).

- Provided DIDs to skirt the STIR/SHAKEN protocol and to be used in “neighbor” and “now shoe” spoofing.
- Informally consulted at least one business on how to effectively conduct robocall campaigns.
- Assisted in or facilitated the initiation of illegal robocalls. Which they knew or consciously avoided knowing were illegal.
- Provided support and assisted telemarketers/sellers in illegal robocalling, including but not limited to:

a. making and/or routing their customers’ and robocallers’ illegal calls to consumers in the Plaintiffs’ respective jurisdictions;

b. taking express steps to obscure the ownership of at least one of their customers from ITG and other third parties after the principal owner became the subject of federal and state law enforcement actions and formed another named entity to continue to conduct business under another entity name;

c. providing some customers with DID rotation support, so that the customer could circumvent and undermine consumer, law enforcement, and industry efforts to block and mitigate illegal calls;

d. providing customers with the telephone numbers (DIDs or Caller IDs) used to make illegal calls to consumers in the Plaintiffs’ respective jurisdictions;

e. providing customers with leads and/or data used by their customers to make illegal calls to consumers in the Plaintiffs’ respective jurisdictions; and

f. providing customers with expertise on how to most effectively and profitably run their illegal robocalling and telemarketing schemes.

The volume of calls being reported in the lawsuit is huge “...between December 31, 2018, and January 31, 2023, Avid Telecom made and/or attempted to make more than 24.5 billion calls. Among the approximately 21 billion calls made to valid U.S. phone numbers, about 93% of those calls had a call duration of less than 15 seconds.” YIKES!

If you are a platform service provider similar to Avid Telecom, now would be a great time to check

and recheck your business practices. Make sure all your employees are trained on company policies and procedures. Seek outside counsel to help advise or assist, you do not want to end up on the wrong side of the Anti-Robocall Litigation Task Force.

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