

Roughed Up: Debt Collector Swallows a Tough TCPA Ruling as a Court Refuses to Let it Off the Hook for Calls it Probably Didn't Make

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So tomorrow is Thanksgiving. Here is something to be thankful for— you're not NPAS Solutions, LLC.

They were just trapped in a TCPA suit for calls they claim they didn't even make and, I gotta tell you, I think they probably should be set free.

In *Woodman v. NPAS*, 2023 WL 8084842 (D. Nv.) the Plaintiff claimed NPAS made calls to her after a revocation. Yet the Defendant's records confirm it made no calls after the date she asked for calls to stop.

But the Plaintiff argued she received a voicemail from an entity called NPAS, so it must have been Defendant. Defendant countered that a totally different company called NPAS, Inc. likely made that call—not it.

Still the Court found in favor of the Plaintiff determining a jury needs to decide whether NPAS made the challenged call or not.

Complicating matters, the Court took judicial notice on *its own accord* of Better Business Bureau records purporting to show the number that made the calls at issue belong to the Defendant.

A whole bunch of problems with that. In the first place, BBB records are DEFINITELY not records of indisputable accuracy. These are hearsay

records of dubious origin. And BBB could easily have confused NPAS, Inc. with NPAS Solutions. So... weak.

Second, why is the court doing Plaintiff's work for her??? If Plaintiff didn't point to the BBB records the Court certainly should not have scraped some tid bit from the internet and used it as an excuse to keep the Defendant in the case.

I have to say I am sympathetic to the Defense here. if NPAS really did not place the calls at issue they have no business being stuck in the case to trial. No bueno.

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