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NOW WE'RE TALKING!: Healthcare, Inc. Sues TCPA Plaintiff to Recover Damages for Frivolous Suit and I Love to See it

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The only way we're going to stop frivolous TCPA lawsuits– other than by deleting the most-abused TCPA provisions– is for victims of frivolous TCPA lawsuits to fight back.

And that is just what Healthcare, Inc. appears to be doing in Arizona right now.

In *Healthcare, Inc. v. Doyle,* 2025 WL 1094309 (D. Az April 11, 2025) a court refused to dismiss Healthcare's suit against Doyle finding that the dispute is worth more than $75k for jurisdictional purposes– which is a pretty stunning finding all on its own.

But let's back up and look at the facts here.

Per the court's order:

Doyle [filed suit] in the District of New Jersey against HCIS for allegedly violating the Protection Act. (Id. ¶ 19.) Doyle alleged in his complaint that he received a call from an agent of HCIS and believed the call was both unconsented to and either prerecorded or otherwise artificial. (Id.) HCIS filed a motion to dismiss Doyle's complaint for lack of personal jurisdiction and attached a declaration stating HCIS did not call the phone number listed in Doyle's complaint. (Id. ¶ 20.) Doyle subsequently amended his complaint to change the listed defendants but did not address HCIS's declaration. (Id. ¶¶ 21–22.) Doyle then voluntarily dismissed his complaint in New Jersey and refiled his complaint in the District of Arizona with no substantive changes. (Id. ¶¶ 24–27.)

Months after filing in Arizona and over eight months after filing his first complaint, Doyle advised HCIS that he listed the wrong phone number in all prior complaints. (Id. ¶ 28.) Upon receiving the correct phone number, HCIS checked its records and determined that someone filled out a Form with that phone number and Doyle's first and last name. (Id. ¶¶ 28–31.) HCIS also determined the phone call described in Doyle's complaint was made by a real person. (Id. ¶¶ 41–45.) HCIS then advised Doyle of these facts and attempted to compel arbitration with Doyle pursuant to the arbitration clause in the agreement embedded in the Form. 3 (Id. ¶¶ 32–48.)

While Doyle refused to engage in arbitration, he recognized the lack of a prerecorded message was fatal to his case and that it would be "pointless" to continue his litigation (Id. ¶¶ 51–54.) Doyle first

attempted to engage in settlement negotiations, but they ultimately failed. (Id. ¶¶ 54–57.) Doyle nonetheless agreed to dismiss his complaint with prejudice. (Id.)

Get it?

Doyle filed a lawsuit in the wrong jurisdiction over the wrong phone number and on the wrong theory. By the time he figured it out it was months into the second lawsuit. He eventually dismissed the case but not before Healthcare, Inc. was out a bunch of money on fees.

Rather than take matters lying down, Healthcare, Inc. filed its own lawsuit against Doyle for, *inter alia,* fraud and malicious prosecution. Fun!

Doyle moved to dismiss arguing less than $75k was at issue in the suit so the federal court lacked jurisdiction but the Court disagreed. Healthcare, Inc.'s lawyers attested Healthcare spent more than $75k defending the prior suit– so the case moves on.

Doyle's arguments were all focused on the merits of the suit but even a perfect defense would not deprive the court of jurisdiction. Since over $75k is at issue the suit moves forward.

Again love to see the aggressive posture by Healthcare, Inc. Will keep a close eye and see where this goes.

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