

# Judge Dismisses TCPA Case Against Collector

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[Virginia Bell Flynn](#)

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Virginia Bell Flynn, a partner in Troutman Pepper Locke's Consumer Financial Services Practice Group, was quoted in the *AccountsRecovery.net* Compliance Digest article, "Judge Dismisses TCPA Case Against Collector."

A District Court judge in New Jersey has granted a defendant's motion to dismiss a Telephone Consumer Protection Act case after it was accused of using an automated telephone dialing system when attempting to contact the plaintiff, ruling that the plaintiff's allegations were insufficient to support the claim. [More details here.](#)

**WHAT THIS MEANS, FROM VIRGINIA BELL FLYNN OF TROUTMAN PEPPER LOCKE:** A Telephone Consumer Protection Act (TCPA) claim was dismissed as insufficient by a District Court in New Jersey. In *Frato v. Capital Management Services, L.P.*, Plaintiff Steven J. Frato Jr. alleged that the Defendant made at least 29 unsolicited calls to his personal cell phone between May and July 2023 regarding debt collection. Plaintiff claimed he repeatedly requested the calls to stop and that he was registered on the National Do Not Call Registry. The Court granted the Defendant's motion to dismiss on several grounds, finding that (1) Plaintiff made conclusory allegations regarding the use of an automated telephone dialing system and lacked specific facts to support the claim, (2) Plaintiff's allegations regarding ongoing conversations with Defendant's representatives contradicted claims of receiving artificial or prerecorded messages, and (3) the calls were debt collection calls, not telephone solicitations.

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