

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

UNITED STATES OF AMERICA and the
STATES OF CALIFORNIA, ILLINOIS,
NORTH CAROLINA, and OHIO,

Plaintiffs,

v.

DISH NETWORK L.L.C.,

Defendant.

Case No. 3:09-cv-03073-SEM-TSH

**STIPULATED ORDER FOR
MONETARY JUDGMENT**

Plaintiff, the United States of America, acting upon notification and authorization to the Attorney General by the Federal Trade Commission (“FTC” or the “Commission”), and Plaintiffs the States of California, Illinois, North Carolina, and Ohio (“State Co-Plaintiffs”) filed their initial Complaint in 2009 and the Third Amended Complaint (the “Complaint”) in 2015. The United States’ claims were brought pursuant to the Federal Trade Commission Act (“FTC Act”), 15 U.S.C. §§ 45(a), 45(m)(1)(A), 53(b), 56(a) and 57b; the Telemarketing and Consumer Fraud and Abuse Prevention Act, 15 U.S.C. § 6105; and the Telemarketing Sales Rule, 16 C.F.R. Part 310. The State Co-Plaintiffs’ claims were brought pursuant to the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227 and its related rules, 47 C.F.R. § 64.1200, California Business and Professions Codes Sections 17592 and 17200, Illinois Automatic Telephone Dialers Act 815 ILCS 305/1 *et seq.*, North Carolina General Statutes Sections 75-101, 75-102 and 75-104, and Ohio Consumer Sales Practices Act, Revised Code Section 1345.01 *et seq.*

After a six-week bench trial in 2016, in June 2017, this Court issued a final judgment finding DISH Network L.L.C. liable for millions of telemarketing call violations, imposing injunctive relief in the form of compliance and reporting measures, and awarding the Plaintiffs a total of \$280 million: \$168,000,000 for the United States, \$53,256,000 for the State of California, \$17,388,000 for the State of Illinois, \$18,648,000 for the State of North Carolina, and \$22,708,000 million for the State of Ohio. *United States v. Dish Network LLC*, 3:09-cv-03073-SEM-TSH, at Dkt. No. 797 (C.D. Ill. Jun. 5, 2017), *reported at* 256 F. Supp. 3d 810 (C.D. Ill. 2017). DISH Network L.L.C. appealed the judgment to the United States Court of Appeals for the Seventh Circuit, which vacated the \$280 million award and remanded back to this Court “for further proceedings consistent with this opinion” that the analysis for the monetary award should “start from harm rather than wealth.” *United States v. Dish Network LLC*, 954 F.3d 970, 980 (7th Cir. 2020).

The parties now seek to settle only the monetary relief portion of this case. The injunctive relief ordered by this Court remains in place and unaffected by this settlement. The Plaintiffs and DISH Network L.L.C. therefore stipulate to the entry of this Stipulated Order for Monetary Judgment (“Order”) to resolve all disputes regarding the monetary relief to be awarded to Plaintiffs in this case.

THEREFORE, it is **ORDERED** as follows:

I. FINDINGS

- A. This Court has jurisdiction over this matter.
- B. The Complaint alleges that Defendant participated in acts or practices in violation of Section 5 of the FTC Act, 15 U.S.C. § 45, the Telemarketing Sales Rule, the

TCPA and its related rules, and various state laws by making telemarketing calls to numbers on the National Do Not Call Registry, abandoning calls, using automated voice telemarketing, and assisting others in these violations.

C. Defendant waives any claim that it may have under the Equal Access to Justice Act, 28 U.S.C. § 2412, concerning the prosecution of this action through the date of this Order. Each party agrees to bear its own costs and attorneys' fees.

D. The parties waive all rights to appeal or otherwise challenge or contest the validity of this Order.

E. Entry of this Order is in the public interest.

II. MONETARY JUDGMENT

A. Judgment in the amount of \$126 million (\$126,000,000.00) is entered in favor of Plaintiff the United States against DISH Network L.L.C. as a civil penalty pursuant to the FTC Act.

B. Judgment in the amount of \$39,942,000.00 is entered in favor of Plaintiff the State of California against DISH Network L.L.C. as a payment in accordance with the TCPA. This entire amount shall be deposited in the Public Rights Law Enforcement Special Fund established by Section 12530 of the California Government Code and used in accordance with that section to support the investigation and prosecution of matters within the authority of the Department of Justice's Public Rights Division.

C. Judgment in the amount of \$13,041,000.00 is entered in favor of Plaintiff the State of Illinois against DISH Network L.L.C. as a payment in accordance with the TCPA.

D. Judgment in the amount of \$13,986,000.00 is entered in favor of Plaintiff the State of North Carolina against DISH Network L.L.C. as a payment in accordance with the TCPA.

E. Judgment in the amount of \$17,031,000.00 is entered in favor of Plaintiff the State of Ohio – Office of the Attorney General against DISH Network L.L.C. as a payment in accordance with the TCPA.

F. Such payment must be made within 30 days of entry of this Order in accordance with instructions previously provided by Plaintiffs' representatives:

1. Make the following payment to the United States:
 - a. A payment of \$126,000,000.00 in the form of a wire transfer to the Treasurer of the United States; and
 - b. The written confirmation of the wire transfer shall be delivered via email to: Lisa K. Hsiao, Assistant Director, Consumer Protection Branch, U.S. Department of Justice, 450 5th Street, N.W. Suite 6400-South, Washington, DC 20530, Lisa.K.Hsiao@usdoj.gov. The wire transfer transmittal shall include the title of this litigation and a reference to DJ #102-3417.
2. Make the following payment to the State of California:
 - a. A payment of \$39,942,000.00 payable by wire transfer to the California Attorney General's Office pursuant to instructions provided by the California Attorney General's Office. DISH Network is responsible for any bank charges

it may incur for processing wire transfers. This payment shall be deposited in the Public Rights Law Enforcement Special Fund.

3. Make the following payment to the State of Illinois:
 - a. A payment of \$6,520,500.00 in the form of a wire transfer or certified or cashier's check made payable to or deposited into the "Attorney General Court Ordered and Voluntary Compliance Payment Projects Fund" for subsequent expenditure as authorized by the Attorney General; and
 - b. A payment of \$6,520,500.00 in the form of a wire transfer or certified cashier's check made payable to or deposited into the "Attorney General's State Projects and Court Ordered Distribution Fund" for subsequent expenditure as authorized by the Attorney General; and
 - c. The check or written confirmation of the wire transfer shall be provided via email to:

Elizabeth Blackston
Chief, Consumer Fraud Bureau
Office of the Attorney General
eblackston@atg.state.il.us

4. Make the following payment to the State of North Carolina:
 - a. A payment of \$13,986,000.00 by wire transfer to the North Carolina Department of Justice; and
 - b. Written confirmation of the wire transfer shall be provided vial email to:

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