



# Couple Wins \$1M Suit Against Major Bank for 'Outrageous' Robocall Harassment

Dec 11, 2014, 5:54 PM ET

By BRIAN ROSS, STEPHANIE ZIMMERMANN and RANDY KREIDER

Like 20k 1338 311 9 344 Comments



Nelson and Joyce Coniglio won a \$1 million suit against Bank of America over "harassing" loan collection calls.

Coniglio family

### NEXT VIDEO

When Robocalls To Your Cell Phone Can Mean Money

AUTO START: ON | OFF

Bank of America is being forced to hand over more than \$1 million to a Florida couple after the bank flooded them with hundreds of loan collection calls for years – the latest example of alleged behavior that has cost the bank tens of millions.

In a complaint filed in July, attorneys for Nelson and Joyce Coniglio said that the couple had been on the receiving end of "patterns of outrageous, abusive and harassing conduct" by a subsidiary of Bank of America that included 700 calls in four years, after the bank said the couple fell behind on mortgage loan payments in 2009. The Coniglios also received "threatening collection letters asserting false and misleading information," the complaint said.

The couple sent multiple letters from legal representation asking the bank to stop, but the calls -- sometimes up to five a day -- continued. The complaint describes automated calls leaving repeated pre-recorded messages.

"If I did what Bank of America did, I'd probably be behind bars," Joyce Coniglio told CBS News' Tampa affiliate WTSP.

### ABC News Fixer: How to Stop Telemarketing Calls






In the end, a Florida judge awarded the couple \$1,051,000 -- approximately \$1,500 for every call - in addition to court costs and attorney fees.

"This judgment against Bank of America is an epic win for consumers across the country," Billy Howard, an attorney for the Coniglios told ABC News. "It's time to fight back against these 'robobullies'."





Bank of America initially declined to comment on the case, but late Thursday sent ABC News a statement regarding the Coniglios case:

"Bank of America has helped 2 million homeowners avoid foreclosure. Our calls to the Coniglios were not to collect a debt, but rather to help them avoid foreclosure after they fell behind on their

### HOT RIGHT NOW

- 1  Oldest Time Capsule in US Unearthed in Boston
- 2  Mystery Deepens in Case of Burned Teen as Police Call for...
- 3  Couple Wins \$1M From Major Bank for 'Outrageous' Harassment
- 4  Passengers Endure Nightmare Layover on Trip to Australia
- 5  Woman 'Burns' From Inside Out After Reaction to Friend's...

### YOU MIGHT ALSO LIKE...

-  Prince William Gave His Contact
-  All Eyes on Kate's Royal Baby Bump
-  United Airlines Passengers Endure
-  Inside Mark Cuban's \$2 Million 'Shark'

mortgage payments in 2009," Bank of America Senior Vice President Dan Frahm said. "Because our calls were not answered and our efforts to help the Coniglios avoid foreclosure were urgent, these calls continued. We are committed to help homeowners in need of assistance avoid foreclosure."

Recommended by

The Coniglios' case was not the first time Bank of America has faced accusations of intense harassment by phone.

In September 2013, the bank paid a record \$32 million to settle a class action lawsuit with a reported 7.7 million customers who claimed they were harassed by such "robocalls." In that case, Bank of America said it denied the allegations but settled to avoid further legal costs.

Complaints have rolled in from both credit card and mortgage loan customers of the bank, including an Indiana man who told ABC News that he and his wife received at least 600 calls even though their house was surrendered after his wife filed for bankruptcy.

"They would just constantly call," said the man, a hospital nurse who did not want his name published due to concerns about harassment.

He said he repeatedly told the bank's representatives that it was illegal to auto-dial his cell phone, to no avail. "It was almost like they didn't care," he said.

An elderly couple in California claims they got 2,000 calls from Bank of America. A woman in Arkansas said she got 350 calls.

Back in 2010, an **ABC News investigation** found that a Texas-based company Bank of America had contracted to make debt collection calls were using racist and obscene language to try to coax debts from customers.

"What's up, you f---ing n----r?" said one of the collection agents in a message to 32-year-old Allen Jones of Dallas, who at the time owed \$81 on his Bank of America credit card.

**Investigation: Debt Collectors, the N-Word and Bank of America**

"This is your f---ing wake up call, man," the debt collector said in a message left at Jones' home at 6:30 a.m. Then another call: "You little, lazy ass bitch, get your mother f---ing ass up and go pick some mother f---ing cotton fields, bitch."

Two days following the 2010 ABC News report, Bank of America fired the debt collection agency, though the bank said the decision was not related to the television report.

[CLICK HERE to return to the ABC News Investigative Unit homepage.](#)

**PHOTO GALLERIES**



View: California Pounded by Fierce Storm  
US



**SEE IT, SHARE IT**



**Fashion Icon Beverly Johnson Says Bill Cosby Drugged Her**



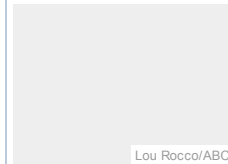
**Couple Wins \$1M From Major Bank for 'Outrageous' Harassment**



**'Cape Fear' Actor Nick Nolte Sells Home**



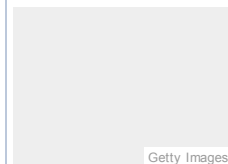
**Airline Executive Apologizes for 'Nutmeg' Incident**



**How Barbara Walters Chose Her 'Most Fascinating' Subjects**



**Was Misty Upham Murdered?**



**10 Sleep Compatibility Problems, Solved**

Like <20k

1338

311

+9

344 Comments

**FROM AROUND THE WEB**



What are the Disadvantages of a Reverse Mortgage? (Reverse Mortgage Guides)



4 Surgeries to Avoid (AARP)

**MORE FROM ABC NEWS**



Mystery Deepens in Case of Burned Mississippi Teen Jessica Chambers as Police Call for Witnesses



Mystery Solved: Pony Found Wandering Street Reunited With Girl

What rheumatoid arthritis does to your digestive system (Healthgrades)

Watch: An Inside Look at Ford Police Interceptor Surveillance Mode (Autoblog)

Don't wait until tax season to make these five moves (TIAA-CREF)

Retirement Planning: Here's What Your 401K is Really Worth (Smart Asset)

Two of the Brightest Minds Give Insight into the United States Current Economic State (HSBC Global Connections)

Read the Note Duchess Kate Left at the 9/11 Memorial

Woman 'Burns' From Inside Out After Reaction to Friend's Medicine

Girl Who Disappeared After Letting Out Cat Found Safe

The Touching Moment a Missouri Waitress Got the Tip of a Lifetime

This Teen's Booking Photo Is the Latest 'Hot Mug Shot' to Go Viral

Recommended by

OFFERS YOU MIGHT LIKE

ADS BY ADBLADE

sponsored offers

Wells Fargo Advisors Estate Planning Kit

Download a free toolkit and understand the essentials of planning your estate.

More >>

Invest In New Stock VMRI

Increasing Demand For Technology Drives Multi-Billion Dollar Market

More >>

New Rule In Florida

If you drive less than 35 miles/day you better read this. What we discovered might anger you.

More >>

Ready for Retirement?

Have a \$500K portfolio? Ken Fisher, a 30-year Forbes columnist, has a retirement guide for you! Fisher Investments

The Wall Street Journal: \$1 a Week

Get unlimited access to WSJ for just \$2 a week for 12 weeks. Limited time offer - Subscribe today. Subscribe Today!

New Rule In Tampa

New Rule Leaves Drivers Furious And Shocked. If you drive less than 35 mi/day you better read this.. Provide Savings

JOIN THE DISCUSSION

354 Comments

ABC News

Login

Sort by Best

Share Favorite

Join the discussion...

Show 7 New Comments

Sam · 16 hours ago

I just love the BoA rep's comment that they were "Only trying to help."! What a load of horse hockey! I never heard of or seen a debt collector being friendly of "Helpful" in my entire life.

89 ^ | v · Reply · Share >

This comment was deleted.

Nellie Athome → WhereHaveAllTheGoodNamesGone · 12 hours ago

Generally people do not frivolously stop paying their bills but when one has little to no income and overwhelming bills the something has to not get paid. Something like 75% of bankruptcies are due to medical debt and resulting loss of job.

32 ^ | v · Reply · Share >

950Hoon → Nellie Athome · 7 hours ago

I got cancer last year, missed 7 weeks of work for surgery, went back to work, and was 1 1/2 months behind on my mortgage. They offered "loss mitigation", which would have raised my interest rate, extended my loan 10 years, and added a couple hundred thou to my total of payments. And would have lowered my payments \$81 per month, and would have given me 3 months with no payments, with a balloon payment of 3 months due, after 3 months, since I was behind 1 1/2 months. Makes a lot of sense doesn't it? So I would make a payment every 3 weeks, and it took me 3 months to get caught up. I would make a payment, and they would call me THE NEXT DAY, wanting another payment. I had to ask them, more than once, that since I made a full payment, YESTERDAY, did they really think that I had gotten paid again, since I make my payments on my payday?

I won't mention their name (it wasn't Bank of Americans), but it sounds like Nells Hardo(n).

25 ^ | v · Reply · Share > Show 2 new replies

Nellie Athome → 950Hoon · 7 hours ago

Our ex roommates are seriously in debt - he had two heart attacks and diabetic complications resulting in not working for going on 10 years now, his wife is in and out of work, debt collectors call here constantly, looking for them even though they have been told they

constantly looking for them even though they have been told they no longer live here and have not since 2012. Yesterday a process server came to the door and told me I was lying and hiding them and only left when I called the police.

An acquaintance used me as a reference for a car loan and then defaulted, they called repeatedly looking for her until I called the dealership and told the owner that if he had bothered to call me before he gave her the loan I would have told him she could not afford the car but since he lent her the money he had only his own stupidity to blame and if he called one more time I would have my lawyer take him to court with the caller ID records I had showing how many times (145) his dealership called and the times 6am - 10pm, etc., the recordings of the calls on the answering machine and then he could throw good money after bad paying the fine for each of those illegal calls.

H\*ll, we have had our current land line number since 1993 and I still get calls for the person who had it before trying to collect a hospital bill.... every time the debt gets sold the nonsense starts again.

Debt collectors are out of control

30 ^ | v • Reply • Share >



**950Hoon** → Nellie Athome • 7 hours ago

I had the same thing happen when I got a new phone number when I moved to a different city. And the previous owner of that number had the same last name as me.. I started making things up about him, the police just came and arrested him for dealing heroin, or child molesting his own children, or for being a terrorist, just anything I could think of at the time. And I only did this after repeated phone calls after I admitted I had the same last name as the other guy did. Big mistake there, they assumed I was related to, or was actually even the same guy. I got real abusive a few times with people on the phone, I'd get sexual, racial, talk about their mothers, their upbringing, a few of them got really upset with what I said to them, and my wife said that I seemed to be enjoying myself a bit too much when I did that. She's usually right about these things.

15 ^ | v • Reply • Share >



**Nellie Athome** → 950Hoon • 7 hours ago

There is a man in town with the same name as my husband, different middle initial, and birth dates within 6 weeks of each other. We constantly get calls since he is a deadbeat.... OTOH, I don't abuse the callers since, regardless of what they say to me I refuse to stoop to their level.

Though I do admit that when the renter moved out of my husband's house having not paid her rent and run up the utility bills I did send her Workman's Comp check back marked "deceased", called the local welfare office and reported her for trying to collect benefits for her and her kids under two SS # when the kids did not live with her, called Workers Comp and told them she was lying since if she really had carpal tunnel and was unable to work at data entry she would be equally unable to spend 14 hours a day on my husband's computer playing on-line games, told her ex-husband where to find her to serve her with papers over the child support she owed him, the police where to find her to serve the warrant for the stuff she stole (she was stupid enough to call and tell me where to send her check) and sued her in small claims court for the items she broke.....

15 ^ | v • Reply • Share >

One other person is typing...



**RustyNutz** → Nellie Athome • 2 hours ago

You know you can block phone numbers right?



5 ^ | v • Reply • Share ›



This comment was deleted.

**chaserblue** → John • 8 hours ago

So...YOU think everyone should pay cash for a house. Must be nice in your fantasy land. Are there fairies there? Unicorns??

19 ^ | v • Reply • Share ›

**Nellie Athome** → John • 8 hours ago

No I am saying that the people owed money have to follow the law, which Bank of America did not.

Calling people 700 times and cursing at them is not only illegal but it is not professional or businesslike.

17 ^ | v • Reply • Share ›

**chared99** → Nellie Athome • 5 hours ago

People get sick my neighbor who had a great job paid 1/2 for his house in cash financed the other half paid 40 percent then was diagnosed with pancreatic cancer was to sick to work stage 4 has a few months to live yet he received over 200 phone calls, shiat happens Nellie maybe you will get cancer not be able to pay your mortgage then someone can ask you why your not following the law

10 ^ | v • Reply • Share ›

**Nellie Athome** → chared99 • 4 hours ago

Perhaps you need to read what I said again, or maybe it was not clear enough. I said the *lenders*, the people who were owed the money, the *bank* and their debt collectors need to follow the law.

People should pay their debts but sometimes life happens and it is not possible, That does not mean that debt collectors do not have to follow the law when trying to recover the debt.

7 ^ | v • Reply • Share ›



This comment was deleted.

**Nellie Athome** → lilac • 8 hours ago

What makes you think it was a second home?

Be that as it may, sometimes people get overextended and cannot pay their bills - it does not mean the entity they owe has the right to harass them.

5 ^ | v • Reply • Share ›

**WhereHaveAllTheGoodNamesGone** → Nellie Athome • 3 hours ago

Generally? Most Americans are living beyond their means. And bankruptcy stops the calls. Sitting around ignoring the phone does not.

1 ^ | v • Reply • Share ›

**thatguyknows** → WhereHaveAllTheGoodNamesGone • 9 hours ago

Why not just companies follow the law and avoid paying a million bucks in the first place?

7 ^ | v • Reply • Share ›



This comment was deleted.

**cman29601** → John • 5 hours ago

John I hope you don't lose your job ever. I used to feel the same

way you did until the company I worked for closed and I live in a small town. The interest just keeps compounding and they will not reduce the interest rate. I have a graduate degree. So before you go shouting off be careful because karma has a way of delivering lessons. Perhaps you shall find yourself in the situation one day via job loss or medical issues....

5 ^ | v • Reply • Share ›



**denim** → John • 8 hours ago

How about both?

3 ^ | v • Reply • Share ›



**John Sprinklebumj** → thatguyknows • 2 hours ago

They don't follow the law in part to a simple business decision that involves a simple benefit to cost ratio. They benefit, and if they are caught, they have to pay some money back. That is, their business ethics are lacking and are in some cases, quite illegal.

1 ^ | v • Reply • Share ›



This comment was deleted.



**lilac** → Dano Orr • 9 hours ago

OK now I'm even more curious. Based on your timeline, at what age did you go to school to have all this outstanding debt?

1 ^ | v • Reply • Share ›



This comment was deleted.



**Dano Orr** → WhereHaveAllTheGoodNamesGone • 3 hours ago

In fact a I do have a clue about the costs of running a large facility. And in the medical field the major cost is insurance for fear of being sued. Even the mundane equipment sometimes has a 700% markup because it comes with insurance. And that cost is transferred to the patients. From your argument is clear you are rather naive and disenfranchised. When it happens to you then you will acquire the wisdom that only comes from being a participant instead of an observer.

^ | v • Reply • Share ›



**BILL G.** → WhereHaveAllTheGoodNamesGone • 4 hours ago

Sometimes when people do they still get stuck paying unexpected urgent high medical bills even when they do have insurance.

4 ^ | v • Reply • Share ›



**Sme** → WhereHaveAllTheGoodNamesGone • 9 hours ago

From what I understand when the economy got so bad, a lot of people couldn't 'keep up' their bills. Agree, that you should just pay your bills, then no problem. But I believe all this mortgage and foreclosure biz, turned into a nightmare for many people when the economy collapsed.

4 ^ | v • Reply • Share ›



**WhereHaveAllTheGoodNamesGone** → Sme • 3 hours ago

True, but ignoring the calls isn't an answer. BoA was probably telling the truth when they said they were trying to help. I know many people who got into financial trouble and were helped by programs offered by their lenders. Foreclosure only stuck the banks wit property's on which they had to pay taxes and try to sell at a great loss.

1 ^ | v • Reply • Share ›



**Brian35242** [WhereHaveAllTheGoodNamesGone](#) · 2 hours ago

"BoA was probably telling the truth when they said they were trying to help."

Thanks for mirth in my morning. I laughed out loud when I read that.

2 ^ | v · Reply · Share >



This comment was deleted.



**cman29601** [lilac](#) · 5 hours ago

You are not God. No one reports to you. Stop judging lilac. Perhaps life has a little lesson waiting in store for you in the future. One could only hope.

2 ^ | v · Reply · Share >



**Hawk** [WhereHaveAllTheGoodNamesGone](#) · 4 hours ago

Things happen to people, as I am sure you will find out someday.

3 ^ | v · Reply · Share >



This comment was deleted.



**Daniel** [John](#) · 12 hours ago

The court saw it differently.

12 ^ | v · Reply · Share >



**thatguyknows** [John](#) · 9 hours ago

Since they won, your argument is clearly without merit.

10 ^ | v · Reply · Share >



This comment was deleted.



**Dano Orr** [John](#) · 9 hours ago

If you send them a stop harassing me letter by phone the law says they can only call once more to say they got the letter. They can mail you 10 letters a day but they can't interrupt your life by calling at 6am or lunch and dinner which is their target strategy to interrupt your life. So every call made after they were informed to stop calling didn't mean don't send me a letter it meant stop using a robot on the phone. BoA broke the law and they should have to pay.

8 ^ | v · Reply · Share >



**wjp** [John](#) · 9 hours ago

You sound like a Politician, lawyer, used car salesman, insurance salesman, or maybe a repo guy. Scum that seek scum. And you are Mr. Morality or something like that? You believe in that big Red, White, and Blue d\$%k in you, like most Americans. Keep on believing that, and you will only end up being a legend in your OWN mind, just like the 1% and the yuppie sycophants that follow them.

5 ^ | v · Reply · Share >



This comment was deleted.



**Bobo McStevens** [lilac](#) · 8 hours ago

That was stupid of them.

1 ^ | v · Reply · Share >



**ihaterepubs** [WhereHaveAllTheGoodNamesGone](#) · 4 hours ago

Guess you never heard of people losing their jobs or going bankrupt in your bubble?

1 ^ | v · Reply · Share >



**cman29601** → WhereHaveAllTheGoodNamesGone · 5 hours ago

see my post above. wait until you get sick, have insurance rejected... perhaps life has a little lesson waiting in store for you in the future as well :)

1 ^ | v · Reply · Share ›



**RonP** → WhereHaveAllTheGoodNamesGone · 3 hours ago

Your short term memory is failing you old guy.. remember when these Devils couldn't pay their bills?? YOU bailed them out... Did these banker Devils bail us out... the reality is they did not and called in many of my business friends notes that had good equity for no reason but greed and worthless deed. It is my pleasure to see this happen only its not enough.

^ | v · Reply · Share ›



This comment was deleted.



**SDkid605** → hdc77494 · 14 hours ago

You sound like an employee defending Bank of America for this harassment.

28 ^ | v · Reply · Share ›



This comment was deleted.



**Daniel** → hdc77494 · 12 hours ago

The court has ruled.

6 ^ | v · Reply · Share ›



**thatguyknows** → hdc77494 · 9 hours ago

You don't call it harassment, which doesn't matter, as the court did the right thing, even if you fail at thinking.

2 ^ | v · Reply · Share ›



**Real Warder** → hdc77494 · 13 hours ago

Just because they inherited a problem doesn't justify this method of running a business as a way to fix it. And it certainly doesn't give them good press.

Have to say I moved my business account from them 2 months ago because of the way they treated me which, while it was far from this, was unprofessional.

13 ^ | v · Reply · Share ›



**Dano Orr** → hdc77494 · 9 hours ago

Bank of America was fined 1.3 Billion Dollars for creating bad mortgages. That money didn't go to the people who were screwed over. Now the Bank wants those first victims to pay up so they can pay their fine. Revictimized by government.

3 ^ | v · Reply · Share ›

[Load more comments](#)

ALSO ON ABC NEWS

**Judge Puts Limits on Police Tactics in Missouri** 58 comments

**United Airlines Passengers Endure 30-Hour Travel Nightmare** 93 comments

**Fashion Icon Beverly Johnson Says Bill Cosby Drugged Her** 161 comments

**'Magic Mushroom' in Queen Elizabeth II's Garden** 20 comments

AROUND THE WEB

**Please Don't Retire at 62. Here's Why**  
The Motley Fool

**An Extremely Brilliant Way to Pay Off Mortgage** Lifestyle Journal

**6 Secrets You Didn't Know About Your Kindle** The Book Insider

**Can Cole Slaw Kill You? Here Are 20 Dangerous Foods to Avoid** Mydiet

WHAT'S THIS?



