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Tampa couple wins \$1M from Bank of America in robocall suit

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A federal judge in Tampa sent a clear message to **Bank of America** Thursday by ordering it to pay a local couple \$1,051,000 for violating the Telephone Consumer Protection Act and the Fair Debt Collections Practices Act.

Plaintiffs Nelson and [Joyce Coniglio](#) of Tampa sued the nation's second largest bank in July after enduring four years of multiple robocalls per day attempting to collect mortgage debt.

BoA failed to respond to the complaint and in October the court granted a default judgment, thus awarding the Coniglios the seven-figure sum. The bank then asked the court in November to vacate the default, but on Thursday U.S. District Judge [Elizabeth A Kovachevich](#) denied that motion.

The judgment amount is based on \$1,500 per computer call. "If the court finds the calls were willfully and knowingly placed, it provides for trebling the damages," said [David Mitchell](#), who represented the Coniglios along with [Billy Howard](#). They are attorneys in the Consumer Protection Department in Morgan & Morgan's Tampa office.

Mitchell said the seven-figure award was large for this type of case.

Requests for comment from the Coniglios are pending return.

The Morgan & Morgan team brought in Tampa lawyer [John Anthony](#) (of Anthony and Partners) when BoA moved to set aside the default judgment. During that phase, Anthony showed the court that BoA had defaulted on similar judgments 10 prior times.

The bank argued that the plaintiffs committed fraud by alleging such a large volume of calls. Further, BoA claimed it did not use an automatic telephone dialing system; that it is not a debt collector under Fair Debt Collections Practices Act; that the plaintiffs had surpassed the four-year statute of limitations; that [Nelson Coniglio](#) consented to the calls.

The judge rejected these and other claims.

Bank of America's media relations department declined comment at this time.

The bank can now appeal to the 11th Circuit Court in Atlanta.

"If they want to appeal, we can handle that," said Anthony. "If they want to write a check, we can handle that. If they don't do either, we know how to get it paid."

Anthony said his firm will file a motion Friday to recover additional fees and costs for both law firms. He did not yet have a dollar amount.

Eric Snider is a reporter for the Tampa Bay Business Journal.