



## DEPARTMENT OF THE ATTORNEY GENERAL

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### **Hawaii Attorney General Joins Bipartisan Coalition to Ensure Fight Against Robocalls Continues**

HONOLULU – Hawaii Attorney General Clare E. Connors yesterday took action to ensure state attorneys general can continue to fight against robocalls. Specifically, AG Connors joined a bipartisan coalition of 35 attorneys general, led by Attorney General Josh Stein of North Carolina and Attorney General Todd Rokita of Indiana, in filing an amicus brief in *Lindenbaum v. Realgy*. In their brief, the states argue that the Telephone Consumer Protection Act's robocall ban was enforceable from 2015 to 2020.

"The Telephone Consumer Protection Act's ban was not invalidated by the Supreme Court's action," said Attorney General Connors. "This act remains an important tool for attorneys general to use in our fight against robocallers and respectfully, the district court's decision should be reversed."

In 2015, the president signed into law a government debt exception to the TCPA. The exception allows for calls and texts to collect on debts owed or guaranteed to the federal government. In 2020, the U.S. Supreme Court invalidated that exception and severed it from rest of the TCPA. Later, a district court ruled in *Lindenbaum v. Realgy* that because part of the law was struck down, the TCPA is invalid and cannot be used to hold robocallers accountable for their actions between 2015 and 2020.

The brief, filed in the U.S. Court of Appeals for the Sixth Circuit, asks the court to reverse the lower court's ruling. The brief argues that the Supreme Court's 2020 decision made clear that the invalid government-debt exception did not affect the TCPA's primary robocall ban. It further argues that the district court's decision was inconsistent with basic principles on severability.

State attorneys general are at the forefront of the fight against robocalls, which are immensely frustrating and can cause real financial harm to people. In January 2020, people received more than [4.7 billion robocalls](#) nationwide. The attorneys general have several ongoing enforcement actions under the Telephone Consumer Protection Act (TCPA), and invalidating the law on a technicality would let robocallers off the hook. The

bipartisan coalition argues that aside from the government debt exception, the rest of the TCPA can and must be upheld so it can be enforced.

Attorney General Connors is joined in filing this brief by the Attorneys General of North Carolina, Indiana, Alaska, Arizona, Arkansas, California, Connecticut, Delaware, District of Columbia, Illinois, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Oklahoma, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Utah, Vermont, Virginia, and Washington.

A copy of the brief is available [HERE](#).

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