

Your name
Your address
Your city, zip
Your phone number

Insert Date here

Defendant Name
Defendant address
City, State Zip

Dear Sir or Madam:

On **DATE** I received an unsolicited fax from your company titled "**Title**".

A federal law enacted in 1991 called the Telephone Consumer Protection Act (the "TCPA") makes it illegal to use any telephone facsimile machine, computer, or other device to send an unsolicited advertisement to a telephone facsimile machine. 47 U.S.C. § 227(b)(1). The federal law also provides that a person who sends such an advertisement, as well as the company advertised by fax is liable for \$500 in damages for each fax. If the court finds that the defendant acted willfully or knowingly (that is, you knew you were sending unsolicited faxes, regardless of whether you knew about the TCPA), the court may **triple the damage award**. See 47 U.S.C. § 227(b)(3).

By sending this unsolicited fax advertisement, you violated the TCPA and are now liable to pay a statutory remedy of not less than \$500 per violation under 47 U.S.C. § 227(b)(3). A single faxed page may have multiple TCPA violations, such as headers that do not comply with FCC regulations (47 C.F.R. § 68.318(d)). I have reason to believe that you willfully or knowingly violated the law, which would make you liable for up to \$1,500 per fax. A court in Georgia has recently ordered another fax advertiser, Hooters of Augusta, to pay treble damages totaling \$11,889,000. See *Nicholson v. Hooters of Augusta, Inc.*, Richmond County, Georgia, Superior Court case number 95-RCCV-616. That award was made after 6 years of litigation and numerous appeals by Hooters.

To save us both time and effort, I am willing to settle this case one of two ways:

1) For the sum of **\$5XX.XX** (\$500 judgement, **\$XX filing fee, \$XX.XX service fee**); or

2) For the sum of **\$XX.XX** (**\$XX filing fee, \$XX.XX service fee**) plus:

- A signed affidavit stating the name, contact information for the company that you hired to send the faxes
- Copies of any documents or contracts between you and the company that you hired to send the faxes
- A signed affidavit committing to prevent any further unsolicited telemarketing calls or faxes to my home

To do this, call me **PHONE NUMBER** and I will send you a standard settlement agreement. If I do not receive a response from you by **DATE** I will assume that a settlement outside of the legal system is not possible and I will pursue the available legal options.

I also demand at this time that you immediately cease and desist from sending any facsimiles to me in the future and remove my phone number from your databases. I also suggest you not send unsolicited faxes to anyone in the future.

If you have any questions please do not hesitate to call me at the numbers provided.

Sincerely,

YOUR NAME