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2 THE HONORABLE RONALD B. LEIGHTON
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7 IN THE UNITED STATES DISTRICT COURT FOR THE
8 WESTERN DISTRICT OF WASHINGTON AT TACOMA

9 CAROLYN ANDERSON,

10 Plaintiff,

11 v.

12 DOMINO'S PIZZA INC., DOMINO'S
13 PIZZA, LLC, FOUR OUR FAMILIES,
INC., and CALL-EM-ALL, INC.,

14 Defendants.

NO. C11-00902 RBL

**DECLARATION OF KIM
WILLIAMS IN SUPPORT OF
REPLY OF PLAINTIFF TO CALL-
EM-ALL'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
CERTIFICATION OF CLASS**

NOTED ON MOTION CALENDAR:
JANUARY 13, 2012

15 Kim Williams hereby declares as follows:

- 16 1. I am one of the attorneys for the Plaintiff, Carolyn Anderson.
17
18 2. Defendant Call-Em-All, in its Opposition to Plaintiff's Motion for Class

19 Certification, pp. 2 and 14, argues that two of the reasons the Court should deny Plaintiff's
20 Motion for Class Certification are that Ms. Anderson is the only one complaining about the
21 Defendants' pre-recorded robo-call solicitations, and our law firm solicited Ms. Anderson as a
22 client by "scouring" the files of the Washington State Attorney General's Office.

23 3. While whether or not there are other complaints is irrelevant to whether the
24 Defendants are liable for the calls to Ms. Anderson and the potential class members, Defendant
25 Call-Em-All and its counsel know full well that Ms. Anderson is not the only one complaining
26

**DECLARATION OF KIM WILLIAMS IN SUPPORT OF
REPLY OF PLAINTIFF TO CALL-EM-ALL'S
OPPOSITION TO PLAINTIFF'S MOTION FOR
CERTIFICATION OF CLASS - 1
(NO. C11-00902 RBL)**

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1 about pre-recorded robo-call solicitations from Defendant Domino's and its agents. Indeed,
2 *Spillman v. RPM Pizza, LLC and Domino's Pizza, LLC*, Case No. 3:10-cv-00349-BAJ-SCR is
3 another class action suit currently pending in the United States District Court for the Middle
4 District of Louisiana which involves claims by the Plaintiff and the potential class of violations
5 of the Telephone Consumer Protection Act by Domino's corporate and its largest franchisee
6 RPM Pizza. The *Spillman* case is scheduled for mediation in the near future, and Call-Em-All,
7 while not a party to that lawsuit, is well aware of the case because, Call-Em-All was the robo-
8 call vendor utilized by RPM Pizza to place the pre-recorded robo-call solicitations involved in
9 that case.
10

11
12 4. Brad Hermann, President of Call-Em-All, testified in his December 2, 2011
13 deposition in this case, that he had been deposed approximately one month earlier in the
14 *Spillman* case (Hermann Dep., p. 5). Mr. Hermann further testified that RPM Pizza was the
15 first Domino's franchisee to contact Call-Em-All to provide robo-call services (Hermann Dep.,
16 p. 20), and that RPM told him about a phone opt in procedure that Domino's corporate was
17 considering implementing in August 2009 (Hermann Dep., p. 51-52). In addition, Mr. Hermann
18 testified Call-Em-All had been providing calling services to RPM Pizza for a year before Four-
19 Our-Families met Call-Em-All at the Domino's rally in May 2009 (Hermann Dep., p. 62).
20 These select portions of the Hermann deposition are attached hereto as Exhibit A.
21

22 5. In addition to "complaints" evidenced by the *Spillman* lawsuit against Domino's
23 and RPM as a result of robo-calls sent by Call-Em-All, one need not look far to find other
24 consumer complaints about the Domino's robo-call campaigns on the internet. An example is
25 found in less than one minute by googling "Domino's robocalls." The results, attached to this
26 Declaration as Exhibit B, include, but are not limited to, the following complaints:

1 I just got robocalled by Domino's about 5 minutes ago on my cell phone with a
2 'customer appreciation deal.' Although I only lost one of my anytime minutes,
3 this is still pretty obnoxious behavior, and I'd consider (obviously just from a
4 good-manners perspective) misuse of customers' phone numbers. When I give
5 them my number, it's so we can coordinate a delivery, not so they can cold-call
6 me...

7 We get robocalled at my office regularly, including one this morning (8am!).
8 The thing I don't like about it is how creepily happy she sounds talking about
9 pizza...

10 Yes, this seems to be Domino's current behavior. I got a robocall from
11 Domino's on my landline which is registered with the Do Not Call directory. I
12 logged on to Do Not Call to file a complaint, but a complaint was not
13 filed... This is a serious misuse of customer's info. I gave them my phone
14 number so they could call me back if there was a problem delivering my order.
15 I did not want my number used for marketing purposes...

16 6. As for the assertion that this case should not be certified as a class action
17 because our law firm solicited Ms. Anderson as a client by "scouring" the files of the
18 Washington State Attorney General's Office, putting aside the fact that Call-Em-All cannot
19 and does not argue that our writing to Ms. Anderson about her Attorney General Complaint
20 constituted an ethical breach, Call-Em-All misrepresents the relationship between our firm and
21 the Attorney General's Office, and the origin of this case.

22 7. The Washington Attorney General's Office Consumer Protection Division is
23 empowered to enforce the Washington Automatic Dialing and Announcing Device
24 ("WADAD") statute, RCW 80.36.400, but does not have the person power to bring enforcement
25 lawsuits such as this one. While the vast majority of our class action clients contact us directly
26 or are referred by other counsel, from time to time, based on complaint files provided to us by
the Attorney General's Office, our firm steps in and contacts a consumer, such as Ms.
Anderson, who has clearly been the victim of a WADAD violation and has complained to the
Attorney General's Office. In these instances, we send one letter, no more, and it is always up

1 to the consumer whether to respond to the contact, as Ms. Anderson readily did in this case.
2
3 There are few law firms willing and able to handle the legal claims of clients such as Ms.
4 Anderson, and the inability of consumers to find counsel benefits companies such as the
5 Defendants in this case whose marketing activities violate State law. We are proud of the work
6 we have done to represent injured consumers in robo-call solicitation cases, to obtain
7 compensation for them and injunctive relief, and to generate substantial sums of money for
8 non-profit organizations who are the beneficiaries of *Cy Pres* awards in many of our cases.

9 8. The Attorney General's Office directly assisted our effort by filing a powerful
10 Amicus Brief with the Ninth Circuit supporting our interpretation of RCW 80.36.400 as
11 prohibiting ALL ADAD solicitation calls that deliver pre-recorded messages intended to be
12 received in Washington in the case of *Cabbage v. Talbots, Inc.* Case No. 2-09-00911-BHS, a
13 case that has since settled on appeal. King County Superior Court Judge Laura Inveen, in
14 denying a Motion for Judgment on the Pleadings *Hartman et al v. United Bank Card Services,*
15 *Inc.*, King County Cause No. 10-2-14594-0 SEA, commented that the Attorney General's
16 Amicus brief in the *Talbot's* case was helpful to her in reaching her decision. While we do not
17 act as Special Assistant Attorney General in representing Washington consumers in class action
18 cases involving WADAD violations, our efforts complement and support those of the Attorney
19 General's Office and vice versa.
20
21

22 I declare under penalty of perjury of the laws of the State of Washington and the United
23 States that the foregoing statements are true and correct.

24 \\\

25 \\\

26 \\\

**DECLARATION OF KIM WILLIAMS IN SUPPORT OF
REPLY OF PLAINTIFF TO CALL-EM-ALL'S
OPPOSITION TO PLAINTIFF'S MOTION FOR
CERTIFICATION OF CLASS - 4
(NO. C11-00902 RBL)**

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DATED this 13th day of January on Bainbridge Island, WA.

/s/Rob Williamson
Rob Williamson, WSBA #11387
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EXHIBIT A

Page 2

08:42	1	APPEARANCES
	2	MR. ROB WILLIAMSON
	3	WILLIAMSON & WILLIAMS
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		206.780.4447
08:42	5	206.780.5557 (FAX)
	6	roblin@williamslaw.com
	7	COUNSEL FOR THE PLAINTIFF
	8	MR. DAVID M. SODERLAND
	9	DUNLAP & SODERLAND, P.S.
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		206.682.0902
08:42	10	206.682.1551 (FAX)
		dsoderland@dunlapsoderland.com
	11	COUNSEL FOR THE DEFENDANT
	12	DOMINO'S PIZZA, INC. and
	13	DOMINO'S PIZZA, LLC
	14	MR. SCOTT A. SHAFFER
		OLSHAN GRUNDMAN FROME
		ROSENZWEIG & WOLOSKY LLP
08:42	15	65 EAST 53TH STREET
	16	NEW YORK, NY 10022
		212.451.2300
		212.451.2222 (FAX)
	17	sshaffer@olshanlaw.com
		COUNSEL FOR THE DEFENDANT
	18	CALL-EM-ALL, LLC
	19	MR. NELSON C. FRALEY II (Appearing telephonically.)
		MS. NICOLE BROWN (Appearing telephonically.)
08:42	20	FAUBION, REEDER, FRALEY & COOK P.S.
	21	5920 109th STREET SW, SUITE 25
		LAKEWOOD, WA 98499-2751
	22	253.581.0660
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	25	FOUR OUR FAMILIES, INC.

Page 4

08:42	1	EXHIBIT INDEX
	2	Number Description Page
	3	1 Call-Em-All Summary Mike Brown
		(CEA000049)..... 27
	4	
	2	Call-Em-All My Account
		(CEA000050)..... 29
08:42	5	
	6	3 Call-Em-All My Account
		Reanswer FTC Questions
		(CEA000051)..... 30
	7	
	8	4 Call-Em-All My Summary
		Important Notice - Action Required
		(CEA000087)..... 31
08:42	10	5 List of Mike Brown's purchases
		with Call-Em-All.
		(CEA012363)..... 32
	11	
	12	6 Call-Em-All best practices for Domino's.
		(CEA000398 - 402)..... 42
	13	
	7	Call-Em-All General Info and Pricing
		(CEA000412 - 415)..... 43
08:42	15	8 E-mail correspondence
		(CEA012364 - 012379)..... 46
	16	
	9	E-mail correspondence from Robert Weisberg
		to Chris Roesor dated August 24, 2009... 50
	17	
	18	10 Raw Data
		(CEA000416 and 012120 - 012124)..... 35
	19	
08:42	20	*****
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	22	
	23	
	24	
08:42	25	

Page 3

08:42	1	INDEX
	2	OF
	3	PROCEEDINGS
	4	The Witness: BRAD HERRMANN
		Examination by Mr. Williamson..... 5
		Examination by Mr. Soderland.....53
08:42	5	Examination by Ms. Brown.....67
		Examination by Mr. Williamson.....81
	6	Examination by Mr. Shaffer.....84
		Examination by Ms. Brown.....87
	7	Examination by Mr. Shaffer.....88
	8	
		Signature Page.....90
	9	
		Reporter's Certificate.....91
08:42	10	*****
	11	
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Page 5

08:42	1	BRAD HERRMANN,
	2	having been first duly sworn, testified as follows:
	3	EXAMINATION
	4	Q (By Mr. Williamson) Would you state your full
09:05	5	name and business address, please?
	6	A Sure. It is Richard Bradley Herrmann, 2611
	7	Internet Boulevard, Suite 120, Frisco, Texas, 75034.
	8	Q And are you the president or chief executive
	9	officer of Call-Em-All, Inc.?
09:06	10	A Yes, I'm the president.
	11	Q And is Call-Em-All located in any other --
	12	physically anywhere else other than Frisco?
	13	A We have equipment in Dallas, Texas, at a data
	14	center.
09:06	15	Q Okay. And how many employees do you have?
	16	A There are 11 total. Three of us are partners,
	17	eight are employees.
	18	Q Have you ever been deposed before in any
	19	litigation involving voice broadcasting and Domino's or
09:06	20	Domino's franchises?
	21	A Yes, one time.
	22	Q And was that in the case involving RPM?
	23	A Yes.
	24	Q When were you deposed?
09:06	25	A About a month ago.

Page 50

10:11 1 Okay. And then the last --
 2 MR. SHAFFER: Excuse me one minute. I just
 3 need to use the men's room.
 4 MR. WILLIAMSON: We will take a break.
 10:11 5 (Off the record.)
 6 MR. WILLIAMSON: We are going to start up if
 7 you are ready.
 8 MR. FRALEY: We are ready.
 9 MR. WILLIAMSON: I have a last set of
 10 exhibits and set of questions and we will be done.
 11 (Deposition Exhibit No. 9 marked.)
 12 Q (By Mr. Williamson) This is marked as Exhibit 9
 13 and it was provided to me by Mr. Soderland and it appears
 14 to be an e-mail from you to Mr. Roesor August 2009. Do
 10:19 15 you see that?
 16 A Yes.
 17 Q Do you recall sending that e-mail to him?
 18 A Not specifically, but certainly conceptually, yes.
 19 Q It says, I've been working with several franchises
 10:19 20 regarding your new phone opt-in process. Do you read that
 21 there?
 22 A Uh-huh.
 23 Q You have to say yes.
 24 A I'm sorry, yes.
 10:19 25 Q That's all right. You've been doing great. This

Page 51

10:19 1 was a little bit before the FTC rule became effective.
 2 Did you know on August 21, though, that it was going to be
 3 effective in 10 days?
 4 A Certainly.
 10:20 5 Q So you were, I presume, concerned that after that
 6 to the extent you continued to work with franchisees you
 7 would also have to get past that written permission
 8 hurdle?
 9 A Yes.
 10:20 10 Q What was the new phone opt-in process as you
 11 understood it?
 12 A Well, at some point I became aware that Domino's
 13 corporate website, which had always collected I think
 14 e-mail opt-ins and text opt-ins -- and I don't know if
 10:20 15 this is in all areas -- and I believe it was just for RPM
 16 Pizza that they were considering collecting phone opt-ins
 17 after you ordered a pizza online as opposed to calling up
 18 and ordering it.
 19 I got wind of something along those lines.
 10:20 20 Clearly, I said -- I was always trying to -- obviously, I
 21 always wanted to get in with Domino's corporate, but they
 22 really weren't interested in working with me. This was
 23 one opportunity. Somebody at corporate might actually be
 24 doing something. So I sent this e-mail out and I think
 10:21 25 the most interesting thing is they never replied back. I

Page 52

10:21 1 didn't know that it was even read and forwarded to
 2 somebody. But I was like, really, and went and checked my
 3 e-mails and it just died.
 4 Q So there was never a response?
 10:21 5 A No.
 6 Q And you didn't follow up?
 7 A No, I'm not -- that's not my strong point.
 8 Q And do you know who told you about -- did you know
 9 who Mr. -- I think it is pronounced Roesor or Ms. Owings
 10:21 10 were? Did somebody give you those names do you think?
 11 A No, I would just have to -- it was probably RPM
 12 Pizza that put me in touch with them, but I don't know for
 13 certainty.
 14 Q And, again, the phone opt-in process you
 10:22 15 understood was a way that customers who ordered online
 16 could also at the same time opt in with their phone
 17 numbers to receive calls from Domino's?
 18 A Yes. So like when you create your account you
 19 could indicate I would like to receive something FTC
 10:22 20 compliant, as of September 1st, 2009, it would have to be,
 21 you know, to request to receive promotional calls on your
 22 phone.
 23 Q So when you said when you create your account, you
 24 mean a Domino's customer, when he or she creates their
 10:22 25 account?

Page 53

10:22 1 A Yes, when they order -- something -- like I said,
 2 I clearly didn't know much about it. I just heard one
 3 little snippet and tried to jump on it and see if
 4 something would work.
 10:22 5 Q And are you aware of any other e-mails that you
 6 ever sent to corporate about anything?
 7 A I mean, I never had a good contact point, and,
 8 like I said, you know, I know that there was resistance
 9 from corporate, so there was just never any headway made
 10:23 10 in terms of working with corporate.
 11 MR. WILLIAMSON: That's all my questions.
 12 The folks on the phone or Mr. Soderland are now permitted
 13 to ask you questions.
 14 EXAMINATION
 10:23 15 Q (By Mr. Soderland) Mr. Herrmann, my name is Dave
 16 Soderland and I represent Domino's corporate. We made a
 17 distinction here between corporate and franchisee,
 18 although, we sometimes just we use the word generically
 19 sometimes Domino's.
 10:23 20 A Understood.
 21 Q Okay. Call-Em-All never -- Domino's corporate
 22 never contracted with Call-Em-All for its services, did
 23 they?
 24 A No.
 10:23 25 Q And the only contact you would have had with

Page 62

10:33 1 the only. I don't want to say -- I can't say. I don't
 2 know.
 3 Q If you don't know, I don't know is a perfectly
 4 good answer. How long had Call-Em-All been working with
 10:34 5 RPM prior to the rally in May of 2009?
 6 A I don't know. I would say about -- I would
 7 approximate maybe a year before that.
 8 Q Prior to the rally did you have a geographical
 9 sense of where the Domino's franchisees were physically
 10:34 10 located that dealt with you? Were they in the southeast,
 11 northwest, midwest?
 12 A Well, RPM Pizza is very influential, so when you
 13 work with -- I think they are the largest franchisee in
 14 the system. And when you work with them, you can just
 10:34 15 start dropping their name and everybody in the country
 16 kind of -- all the other franchisees in the country know
 17 RPM Pizza.
 18 And when you're working with RPM Pizza, it is
 19 a big name to drop and I know -- our franchisees were all
 10:35 20 over the country, all over, southeast, northeast, west.
 21 We knew where they were located, but it was all over the
 22 place. It certainly wasn't like concentrated in the
 23 northwest or anything like that.
 24 Q And all of the franchisees that Call-Em-All would
 10:35 25 contract for would go through the steps that you described

Page 63

10:35 1 indicating that they are going to comply with local and
 2 federal law, the terms and conditions?
 3 A Definitely. Every client goes through that.
 4 Q And if they don't sign that off accepting the
 10:35 5 terms and conditions, you don't go any farther?
 6 A They will never make a call with us.
 7 Q Prior to August 31st, 2009, do you have a
 8 recollection of whether you -- Call-Em-All ever received
 9 any information from franchisees through the PULSE system?
 10:36 10 Was that something afterwards or do you know?
 11 A What was the date?
 12 Q September -- let's use September 1, 2009, new
 13 regulations.
 14 A Yeah.
 10:36 15 Q Prior to that date did Call-Em-All ever get
 16 information did you know about from franchisees that was
 17 generated by the PULSE system?
 18 A Yes.
 19 Q And that would be RPM be one of the franchisees?
 10:36 20 A I don't know that they are using PULSE. I mean,
 21 they are big. They may have their own thing. As I
 22 understand, PULSE is not ubiquitous. I'm not an expert on
 23 the Domino's franchisees, but I know many. But I'm quite
 24 certain not all of them use PULSE for their operations,
 10:36 25 for their software. And -- but obviously you can see we

Page 64

10:37 1 sent out instructions for PULSE. So so we were -- those
 2 that were using PULSE, we certainly were trying to help
 3 them get the data out of PULSE.
 4 Q And when you say you were using them, your
 10:37 5 contractual relationships were with franchisees as opposed
 6 to corporate?
 7 A Yes.
 8 MS. BROWN: I'm sorry to interrupt. Dave,
 9 can you speak up a little louder on your questioning? I'm
 10:37 10 having trouble hearing you.
 11 MR. SODERLAND: I'll move a little closer to
 12 the phone.
 13 MR. WILLIAMSON: Get away from me.
 14 MR. SODERLAND: I'm almost through here,
 10:37 15 Nicole.
 16 Q (By Mr. Soderland) When you said earlier that
 17 Dominoes was stand-off-ish, I think you indicated didn't
 18 want to touch you with a 10-foot pole. Are we talking
 19 about the same thing that they want to focus their
 10:38 20 marketing through the website as opposed to your type of
 21 services?
 22 A I wouldn't characterize it that way because I
 23 don't know. I mean, the one conversation I had was that,
 24 but the overall stand-off-ish impression I got would have
 10:38 25 been through word of mouth through franchisees, so I think

Page 65

10:38 1 it would be speculative to say that's why they didn't
 2 always want to work with us. That was the one
 3 conversation I had.
 4 Q So the source of your stand-off-ish comment is
 10:38 5 based on information that your clients, the franchisees,
 6 have told you about what they think corporate believes?
 7 A Yes, because I could hardly get a contact at
 8 corporate. I didn't know who to call to have them be cold
 9 to me.
 10:38 10 Q So the only contact that we have here that you
 11 know of is the e-mail to Chris Roesor, which just simply
 12 died on the vine?
 13 A Yes. Let me add this as well. With Chris Roesor,
 14 the -- I know that this process was starting to be
 10:39 15 developed because we had received -- we were talking about
 16 a process like how to build it, you know, how -- if you
 17 collected them on the website, how they would come over to
 18 us and there was some way it would go through -- they
 19 would send an e-mail to the franchisee and the franchisee
 10:39 20 would forward that e-mail over to us so that we could
 21 collect the phone numbers. Does that make sense?
 22 Q Yes.
 23 A So there is -- I certainly got wind of this
 24 process and it was -- some action was done along these
 10:39 25 lines to send those phone numbers via e-mail over to us.

EXHIBIT B

The Consumerist: Shoppers Bite Back (<http://consumerist.com/>)

Dec 8, 2010 | 23 posts in the last 24 hours

[Log in \(javascript:void\(0\)\)](#) Register (http://consumerist.com/cgi-bin/m/mt-sp.cgi?__mode=register&blog_id=1&return_to=http%3A%2F%2Fconsumerist.com%2F2010%2F02%2Fdominos-feel-free-not-to-robocall-me.html)

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http://www.addthis.com/bookmark.php?v=250&winname=addthis&pub=marcperton&source=tbx-250&lng=en-us&ss=stumbleupon&url=http%3A%2F%2Fconsumerist.com%2F2010%2F02%2Fdominos-feel-free-not-to-robocall-me.html&title=Domino's%20Feel%20Free%20Not%20To%20Robocall%20Me%20-%20The%20Consumerist&ate=AT-marcperton/-/4f0f0e994af3159a/3&frommenu=1&uid=4f0f0e9948bfcfd9&ct=1&pre=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3D%26rct%3D%26q%3Ddomino's%2520robo%2520calls%26source%3Dweb%26cd%3D1%26ved%3D0CQIQFIAA%26url%3Dhttp%253A%252F%252Fconsumerist.com%252F2010%252F02%252Fdominos-feel-free-not-to-robocall-me.html%26ei%3D_QoPT97nHMSIAKDIYcWdQ%26usa%3DAFQICNEz5ThGSFU6JhmA00I17Z2m4OBxA&t=0&captcha_provider=recaptcha

http://www.addthis.com/bookmark.php?v=250&winname=addthis&pub=marcperton&source=tbx-250&lng=en-us&ss=fark&url=http%3A%2F%2Fconsumerist.com%2F2010%2F02%2Fdominos-feel-free-not-to-robocall-me.html&title=Domino's%20Feel%20Free%20Not%20To%20Robocall%20Me%20-%20The%20Consumerist&ate=AT-marcperton/-/4f0f0e994af3159a/4&frommenu=1&uid=4f0f0e997eface27&ct=1&pre=http%3A%2F%2Fwww.google.com%2Furl%3Fsa%3D%26rct%3D%26q%3Ddomino's%2520robo%2520calls%26source%3Dweb%26cd%3D1%26ved%3D0CQIQFIAA%26url%3Dhttp%253A%252F%252Fconsumerist.com%252F2010%252F02%252Fdominos-feel-free-not-to-robocall-me.html%26ei%3D_QoPT97nHMSIAKDIYcWdQ%26usa%3DAFQICNEz5ThGSFU6JhmA00I17Z2m4OBxA&t=0&captcha_provider=recaptcha

Short URL: <http://con.st/1f002446> (<http://con.st/1f002446>)

[robocalls \(javascript:void\(0\)\)](#)

Domino's, Feel Free Not To Robocall Me (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html>)

By Phil Villarreal (http://consumerist.com/cgi-bin/m/mt-sp.cgi?__mode=view&blog_id=1&id=327282) on February 23, 2010 9:30 AM 0 views

[fontmonster \(http://www.flickr.com/photos/57287903@N00/368768648/\)](http://www.flickr.com/photos/57287903@N00/368768648/)



Domino's new pizza recipe (<http://consumerist.com/2009/12/reviewer-dominos-new-recipe-is-better.html>) is such an improvement, even robots are getting excited. Joel says he got a robocall with a "special offer" from Domino's. He writes:

I just got robocalled by Domino's about 5 minutes ago on my cell phone with a "customer appreciation deal" Although I only lost one of my anytime minutes, this is still pretty obnoxious behavior, and I'd consider it (obviously just from a good-manners perspective) misuse of customers' phone numbers. When I give them my number, it's so we can coordinate a delivery, not so they can cold-call me. Anyway, I just thought you and your readers might be interested in this. I'm sure other people are experiencing the same thing.

If you too have been robocalled by Domino's, let us know. Because it may be that the robot just has a thing for Joel and was using the whole special offer just as an excuse to hear his voice.

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Next: [TurboTax Stuck My Friend With \\$15 Fee For Service He Didn't Use \(http://consumerist.com/2010/02/turbotax-stuck-my-friend-with-15-fee-for-service-he-didnt-use.html\)](http://consumerist.com/2010/02/turbotax-stuck-my-friend-with-15-fee-for-service-he-didnt-use.html)

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February 23, 2010 9:39 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107526>)

We get robocalled at my office regularly, including one this morning (8am). The thing I don't like about it is how creepily happy she sounds talking about pizza.

http://consumerist.com/cgi-bin/m/mt-sp.cgi?__mode=view&blog_id=1&id=671441



[reuvenb \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=671441\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=671441)

February 23, 2010 9:42 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107536>)

The crust from the new Domino's was so rough and cardboard-y that it cut up the roof of my mouth worse than Cap'n Crunch.



[zizagdance \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1626975\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1626975)

February 23, 2010 10:53 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107793>)

I think somebody ate the box.



[reuvenb \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=671441\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=671441)

February 23, 2010 3:53 PM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20108711>)

@zizagdance

I was slightly inebriated, but not THAT much.



[skizogreg \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=207846\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=207846)

February 23, 2010 9:46 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107555>)

While this didn't have much to do with being robo-called, I'm glad to know the new "cardboard" crust isn't working out for some.



[Chris W. \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1525309\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1525309)

February 23, 2010 10:55 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107806>)

My wife and I tried it, and while it's certainly an improvement, it was too garlicky for me and overall, just a modest step up really.

We won't try it again.

But more damaging to one's mouth than Captain Crunch?!! I know of no other substance so damaging...even Grape Nuts (essentially road gravel assembled into cereal boxes) doesn't come close to the mouth roof damaging affects of Captain Crunch. Which is probably a good thing, because Captain Crunch w/Crunchberries is doggone good, and I probably would have eaten alot more of it over the years if hadn't been so covered in course sandpaper.



[amponle \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1527993\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1527993)

February 23, 2010 9:45 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107645>)

I actually like the new recipe...and I love robots...so this is cool in my book.



[ElizabethD \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1523270\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1523270)

February 23, 2010 9:48 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107560>)

That new crust is "heinous". bleahhh They betta not robocall me wit any deals yo.



[saturnotaku \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1527904\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1527904)

February 23, 2010 9:52 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107578>)

I got robo-called by Papa John's after placing an order. I blocked the number, waited a few months, removed it, and haven't been called since.



[THarry \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1532706\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1532706)

February 23, 2010 9:58 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107696>)

I think this is because you forgot to uncheck a box when you ordered a pizza online. They used to do this automatically whenever you ordered pizza (1-3 calls per day on my cell for a few months. It took 3 or 4 angry calls to get them to finally stop, but that's another story), but at least now you have a chance to opt out.



[landmark \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1632709\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1632709)

February 23, 2010 10:15 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107652>)

Yes, this seems to be Domino's current behavior. I got a robo-call from Domino's on my landline which is registered with the Do Not Call directory. I logged on to Do Not Call to file a complaint, but a complaint was not filed. It seems that a company is allowed to robocall you if you'd done business with them recently. I recalled that I indeed ordered a pizza from Domino's a few weeks before.

This is a serious misuse of customers' info. I gave them my phone number so they could call me back if there was a problem delivering my order. I did not want my number used for marketing purposes.



[stopngoBeau \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=114637\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=114637)

February 23, 2010 10:23 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107669>)

I get robo-called by Domino's from time to time, usually about a week after an order. There is an option at the end of the call to be taken off the list, but you have to wait for the entire message to finish before getting to that option. It also seems to reset after you place an additional order, which is a pain in the ass.



[Nogard13 \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=291191\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=291191)

February 23, 2010 10:23 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107670>)

I don't like the new recipe. I worked for Domino's back in college (15+ years ago) and I've always had a special place in my heart for their pizza. While I don't usually like delivery pizza, theirs was my favorite due to the fondness of remembering the smells of when I worked there (no, I never got tired of their pizza).

Their new recipe is too oily and tastes too much of garlic. If I wanted some garlic sticks with my pie, I would've ordered them!

Anyone, as for robo-calling, I'd block their number.




[Jesusofcool \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1523372\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1523372)

February 23, 2010 3:30 PM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20108660>)


I don't hate the new crust, but I think the new sauce is way too spicy. I definitely like it less than I did before.



[zacox \(http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1201340\)](http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1201340)

 February 23, 2010 10:33 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107711>)

I should remind you all that any business robocalling a cell phone is breaking a federal law. You are actually entitled to damages if you sue, and they have zero defense.


 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1532715)
sawscorpion (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1532715)

February 23, 2010 10:44 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107748>)

Another sue happy american...


I am pretty sure you are wrong on this.

Someone correct me if I am wrong, but I believe if you "do business" with a company they are allowed to call you about business related things.... Thus, ordering pizza would be business related...

 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1528430)
yankinwa02 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1528430)

February 23, 2010 10:39 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107733>)


Isn't there an exemption for numbers of customers? If you gave them your number, they have no way of knowing if it is a mobile phone.

 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1201340)
zacox (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1201340)

February 23, 2010 11:19 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107929>)

As far as I know, the law specifically forbids robocalls to cell phones under any circumstances. It's up to the callers to know what sort of phone they are dialing.


Since Domino's is using its customer database, they can legally make such calls, if they were using humans to make the calls and not computers. Such human-made calls would be telemarketing calls and not subject to DNC lists because of prior business relationships.

 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=469349)
admiral_slabbin (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=469349)

February 23, 2010 1:08 PM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20108280>)

I had no idea that there was a difference between human and robo callers. You have learned me on this fine Tuesday, and I thank you, sir.


This is why the robots will eventually take over the world. They're only going to take so much of being treated like non-humans. Wait, they are non-humans... :)

 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=68766)
MMD (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=68766)

February 23, 2010 10:33 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107712>)


I got a Domino's robocall a few months ago. I was pretty annoyed because a) it called me 3 times in half an hour and b) there was no option to be removed from the list that I could hear. I called the Domino's I'd ordered from to complain and was told I had to call corporate. I called corporate and left a voice mail - they never responded to my complaint, but I didn't get called again, either.

In related news, I haven't ordered from Domino's since.

 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1532717)
ksiq235 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1532717)


February 23, 2010 10:53 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107795>)

I have been robocall'd before. It was pretty good deal. I have not been called in a while though. My co-workers and I did take part of the deal once. I did not mind it.

 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1266119)
HyperHacker (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1266119)


February 23, 2010 11:29 AM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20107965>)

Dear Domino's: I recently ordered one of your pizzas, and enjoyed it. If you start calling me to advertise, however, I'll be quite happy to stick to the many other pizza restaurants in town. Thanks.

 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1284366)
Olivia Neutron-Bomb (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1284366)


February 23, 2010 12:17 PM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20108121>)

New recipe? Crap is crap. Couldn't tell any difference.

 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1284366)
Olivia Neutron-Bomb (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1284366)

February 23, 2010 12:17 PM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20108122>)

New recipe? Crap is crap. Couldn't tell any difference.

 (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1523339)
COBBCITY (http://consumerist.com/cgi-bin/m/mt-cp.cgi?_mode=view&blog_id=1&id=1523339)



February 23, 2010 1:21 PM (<http://consumerist.com/2010/02/dominos-feel-free-not-to-robocall-me.html#comment-20108330>)

While I agree it is not a good idea for Domino's to do this as they will upset more customers than excite, this is not a "cold-call". A cold call is COLD and means the company has not done business with you in the past. Domino's has, it has sold you pizza. You are an existing client with a business relationship.

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September 3, 2010 12:15 PM



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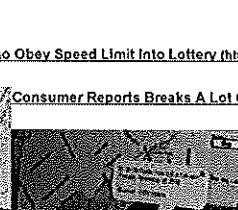
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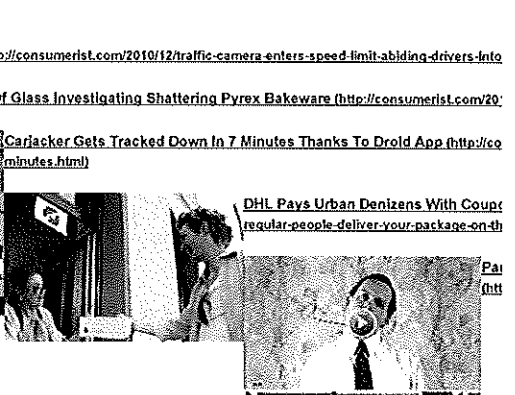
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