ArentFox Schiff LLP
Attorneys

Adam D. Bowser

PARTNER

Adam focuses on complex litigation with a special emphasis on telecommunications and TCPA cases.



Industries

Nonprofits & Associations
— Higher Education
Sports

Practices

Communications & Technology
Complex Litigation
— Class Actions
Privacy & Data Security

Education

George Mason University, Antonin Scalia Law School, JD, 2008

University of Michigan, Ross School of Business, BBA, with distinction, 2003

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Complex Litigation and Government Investigations

Adam focuses on complex litigation with a special emphasis on class action claims brought under various federal and state statutes, including the TCPA and related state telemarketing laws, wiretapping laws (such as CIPA and WESCA), and consumer-privacy laws like the VPPA. Adam has successfully defended dozens of privacy class actions and FCC and FTC investigations. This experience from the litigation and enforcement trenches allows Adam to efficiently guide any client engaging consumers by phone, text, or email to not only stay compliant but to adopt the best practices that help avoid consumer-privacy litigation before it starts. Adam has represented a wide variety of organizations and brands in these matters, including communications companies, national online retailers, advocacy groups, healthcare organizations, car dealerships, political campaigns, casinos, fashion brands, financial institutions, gym chains, social media apps, lead generators, and many others. Adam is on the frontlines of consumer-privacy class action litigation every day and knows how to help clients avoid it.

Regulatory Counsel

Adam serves as outside general counsel to CLECs, broadband and information service providers, and platform operators and API providers specializing in the growing VoIP and text messaging markets. As part of that role, Adam guides companies through the federal and state regulatory process, tax and privacy law, Universal Service Fund compliance, interconnection issues, cybersecurity and data protection, and negotiates and drafts communications-related contracts. Adam routinely represents these cutting-edge and emerging communications companies before the Federal Communications Commission and the Federal Trade Commission in various rulemaking and enforcement proceedings. Adam also advises carriers, advanced communications service providers, and equipment manufacturers on regulatory compliance issues concerning telecommunications, Part 15 compliance, and energy-efficiency regulations before the FCC, the FTC, the Department of Energy, and comparable state regulatory agencies.

Client Work

TCPA Litigation

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Arencibia v. Twenty Labs, LLC, 1:20-cv-25236-KMM (S.D. Fla. 2021) (obtained walk-away dismissal with prejudice for technology company sending contact tracing text messages on behalf of State of Florida before having to file response to class action complaint)

- *Klueh v. Paul Vallas for All Chicago*, 1:19-cv-00249 (N.D. Ill. 2021) (successfully obtained walk-away voluntary dismissals for campaign committee and technology company against claims they sent unsolicited autodialed text messages in wake of *Facebook*)
- *Davis v. Post University, Inc.*, 9:18-cv-81004-RKA (S.D. Fla. 2020) (obtained walk-away voluntary dismissal with prejudice for University client in potential $200 million do-not-call TCPA class action lawsuit)
- *Silvera v. TrueDialog, Inc.*, 1:19-cv-01189-RP (W.D. Tex. 2020) (obtained walk-away dismissal for communications platform client before having to file answer on grounds that it was a passive conduit that could not be liable under TCPA)
- *Taylor v. Residential, Inc.*, 19-cv2155-JLS-MSB (S.D. Cal. 2019) (plaintiff voluntary dismissed claims with prejudice before having to file answer)
- *Larson v. Harman Harman-Management Corp.*, No. 1:16-cv-00219-DAD-SKO (E.D. Cal. 2019) (client voluntarily dismissed from TCPA autodialer class action after filing motion for summary judgment)
- *Green v. Chicago Athletic Clubs, LLC*, 1:19-cv-02129 (N.D. Ill. 2019) (defended gym chain against unsolicited autodialed telemarketing claims)
- *Maltman v. Chicago Athletic Clubs, LLC*, 1:19-cv-01872 (N.D. Ill. 2019) (same)
- *Rivero v. Greenbrook Sports & Fitness, LLC*, 3:18-cv-10329-BRM-LHG (D.N.J. 2019) (quickly resolved putative TCPA class action lawsuit against New Jersey gym chain)
- *Bezdikian v. Valley Gym Corp.*, No. 3:18-cv-4372 (N.D. Cal. 2018) (Plaintiff voluntarily dismissed client rather than respond to motions for sanctions in autodialer case)
- *Frank v. South Aiken Fitness, Inc.*, No. 1:18-cv-02452 (D.S.C. 2019) (same)
- *Weisberg v. Stripe, Inc.*, No. 3:16-cv-00584-JST (N.D. Cal. July 25, 2016) (obtained dismissal of autodialer claims on motion to dismiss for payment processing company because texts were specifically targeted to plaintiff)
- *Mendez v. C-Two Group, Inc.*, Case No. 13-cv-5914-HSG, (N.D. Cal. Apr. 21, 2014) (won motion to dismiss against TCPA autodialer claims)
- *Rinky Dink, Inc. v. Elec. Merch. Sys.*, Civ. No. 13-1347-JCC, 2015 WL 778065 (W.D. Wash. Feb. 24, 2015) (won complete victory for client on summary judgment)
- *Rutherford v. Zoom Tan, Inc.*, No. 2:12-cv-509-FtM-29DNF, 2013 WL 4001343 (M.D. Fla., Aug. 5, 2013) (won motion to dismiss for text messaging platform operator on grounds that no personal jurisdiction existed based on customer's decision to send texts to residents of state)
- *Payton v. Kale Realty, LLC*, 164 F. Supp. 3d 1050, 1058 (N.D. Ill. 2016) (same)
- *Kauffman v. CallFire, Inc.*, 141 F. Supp. 3d 1044 (S.D. Cal. Oct. 8, 2015) (same)
- *Smith v. Securus*, CIV No. 15-550-SRN-HB, 2015 WL 4636696, *8 (D. Minn. Aug. 4, 2015) (same)
- *Sloan v. Securus Technologies, Inc.*, No. 1:16-cv-2874 (S.D. Ind.) (voluntarily dismissed client after serving Plaintiff's counsel with Rule 11 motion)
- *Glauser v. GroupMe*., No. 4:11-cv-2584 (N.D. Cal. Apr. 22, 2014) (negotiated voluntarily dismissal of client)
- *Luna v. Shac, LLC*, 122 F. Supp. 3d 936, 941 (N.D. Cal. Aug. 19, 2015) (client was voluntarily dismissed after establishing that client was not providing its users an autodialer)
- *Ryan v. Jersey Mike's Franchise Systems*, No. 13-cv-1427 (S. D. Cal.) (plaintiff voluntarily dismissed case)
- *Shay v. CallFire, Inc.*, No. 14-cv-1257 (S.D. Cal.) (case was voluntarily dismissed)
- *Couser v. Pre-Paid Legal Services*, No. 3:12-cv-2575 (S.D. Cal.) (same)
- *Salcedo v. Diamond*, No. 14-cv-6291 (S.D. Fla.) (same)
- *Malik v. F-19 Holdings, LLC*, No. 5:15-cv-130 (E.D.Ky. Nov. 16, 2015) (after filing a motion to

dismiss establishing that client could not be liable and that plaintiff's claims were frivolous, plaintiff voluntarily dismissed case rather than respond to motion to dismiss)

- *Bittings v. Tele-Town Hall, LLC*, No. 1:16-cv-9519 (D.N.J. Jan. 19, 2017) (client voluntarily dismissed before needing to file answer)

Telecommunications Litigation

- *United States v. Touch-Tel USA, LLC* (S.D. Tex.) (settled litigation threatened by Department of Justice to enforce $5 million forfeiture order issued against telecommunications carrier before complaint was filed and for settlement payment under $100,000)
- *United States v. Preferred Long-Distance, Inc.* (C.D. Cal.) (resolved complaint filed by Department of Justice against telecommunications service provider to enforce $1.4 million forfeiture order)

Previous Work

Prior to joining ArentFox Schiff, Adam practiced at a large regional law firm, focusing on general business litigation and telecommunications law.

Life Beyond the Law

Adam enjoys designing and building furniture in his free time, but is still searching for a power tool that makes more noise than his four girls. After running a lumber mill out of his townhouse garage in the DC suburbs, Adam's former neighbors were happy to see him move out to the Virginia countryside, where he is in the process of growing a small orchard and vineyard for the local deer to destroy.

Bar Admissions

District of Columbia
Virginia

Court Admissions

US Court of Appeals, District of Columbia Circuit
US District Court, Western District of Texas
US District Court, Western District of Virginia
US District Court, District of Columbia