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UNITED STATES SUPREME COURT DECLINES REVIEW OF NORTH DAKOTA'S DO NOT CALL LAW

BISMARCK – The Supreme Court of the United States today rejected a request to review North Dakota's Do Not Call Law, meaning North Dakotans will continue to enjoy strong protections from unwanted prerecorded telephone messages. A Virginia-based telemarketer had sought to appeal an April decision of the North Dakota Supreme Court which declared North Dakota's statute is not preempted by federal law.

"North Dakota's do not call law has now survived court challenges at every level," said Attorney General Wayne Stenehjem. "Telemarketers should finally get the message that North Dakota may, and will, aggressively enforce its do not call law."

The case arose from consumer complaints against FreeEats.com, Inc., which in August 2004 repeatedly attempted to place prerecorded message calls to some 235,000 North Dakota households. The Attorney General sued FreeEats in Burleigh County District Court, proved violations of the do not call law and obtained a judgment of \$20,000 in penalties and fees. The North Dakota Supreme Court upheld the District Court ruling and in July, FreeEats asked the Supreme Court of the United States to review the North Dakota decision. Joining in FreeEats' request were the Chamber of Commerce of the United States of America, The Center for Individual Freedom, The Center for Competitive Politics and The Center for the Rule of Law. The Attorney General opposed the request and the Supreme Court of the United States agreed, denying the request.

The Attorney General will now seek from FreeEats an award of attorney fees and costs relating to the appeals. "The time and effort spent by my office in fighting the appeals through the North Dakota Supreme Court and the United States Supreme Court is considerable," Stenehjem said. "FreeEats should be required to reimburse the State for the attorney fees and costs incurred since March of 2005."

This case was handled by Assistant Attorney General James Patrick Thomas.