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Robocall Recipients Get Class Cert. Against Ill. Bank

By **Emilie Ruscoe**

Law360 (September 24, 2025, 10:01 PM EDT) -- Consumers who allegedly received unwanted robocalls from Illinois-based Federal Savings Bank will secure certification of a nationwide class of nearly 2.3 million consumers in a proposed Telephone Consumer Protection Act class action, an Illinois federal judge has decided.

In a Tuesday **opinion and order**, U.S. District Judge LaShonda A. Hunt granted certification to both the proposed consumer class and a subclass of 27,000 consumers who'd been robocalled and then had those calls transferred to FSB mortgage brokers.

FSB opposed class certification, arguing among other things that the class definition was based in part upon expert findings the bank described as inadmissible. In response, plaintiff Michael Anthony had taken aim at FSB's own expert's analysis.

In her order, Judge Hunt also denied both sides' expert exclusion requests, telling them that "all the ink spilled in the briefs about the flawed assumptions and misunderstandings of each expert clearly establish that these disputes go to the weight of their opinions, not their admissibility."

"Neither contention constitutes a valid basis for exclusion of his opinions at the class certification stage or denial of class certification, for that matter," she added.

Anthony sued in May 2021, claiming he'd been improperly targeted by calls initiated by FSB's agent, FDE Marketing Group LLC.

He said that despite closely guarding his personal information and putting his home phone number on the National Do Not Call Registry, he still received "numerous unsolicited calls to his phone asking for someone named 'Needle Dee.'"

After several such calls, the complaint states, Anthony stayed on the line to figure out where they were coming from and found himself connected to an FSB mortgage broker trying to sell him on mortgage refinancing.

After determining who was calling him, Anthony made sure FSB knew he didn't want to be contacted, but he received an additional four calls the following days, the suit says.

"Plaintiff never consented to receive calls from defendants. Plaintiff had no prior relationship with defendants," Anthony said in his suit.

On Wednesday, Thomas A. Zimmerman, an attorney for Anthony, described the matter as a "massive case," telling Law360 that the nationwide class damages could be nearly \$1.15 billion and the subclass could be \$13.5 million based on the TCPA's statutory damages.

According to Zimmerman, the case "shows you just how rampant robocalling is, to get to these types of numbers," alleging that the relevant call logs show that all together, members of the national class were called over 34 million times on behalf of FSB.

Representatives for FSB didn't respond to requests for comment Wednesday.

Anthony is represented by Thomas A. Zimmerman Jr. and Jeffrey D. Blake of the Zimmerman Law Offices PC, and Mark L. Javitch of the Javitch Law Office.

FSB is represented by Steven M. Hartmann of Smith Gambrell & Russell LLP, and V. Amanda Witts of Mitchell Sandler.

The case is Anthony v. The Federal Savings Bank et al., case number 1:21-cv-02509, in the U.S. District Court for the Northern District of Illinois.

--Editing by Adam LoBelia.

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