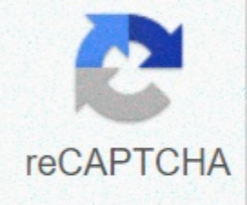




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Directv protection plan lawsuit

AT&T-owned DirecTV defeated the bulk of a \$4 billion lawsuit filed by the Federal Trade Commission that failed to convince a judge that DirecTV ads defrauded customers about the cost of the service. The FTC sued DirecTV in March 2015. But Thursday's judge's ruling overturned the FTC's case against DirecTV, which has been a subsidiary of AT&T since July 2015. The FTC's ambition in trying to show that over 40,000 advertisements were likely defrauded significantly exceeded the strength of its evidence, Judge Haywood Gilliam, Jr. wrote. from the U.S. District Court for the Northern District of California. This case did not include the kind of strong evidence the Court would expect to see in a case seeking nearly \$4 billion in damages, based on the claim that all of DirecTV's 33 million customers between 2007. FTC failed to prove that DirecTV violated bans on false or misleading advertising in its TV commercials, online banners, newspaper ads and direct mailing, the judge wrote. The judge has not yet decided whether DirecTV defrauded customers on the directv.com website, but wrote that the FTC's website case was far from overwhelming. The evidence at trial conclusively determined that the FTC failed in its main case to meet its burden of proof [of violations of FTC law] based on any of DirecTV's ads that are not on the website, Gilliam Jr. Wrote Potential refunds for consumers are greatly limited by the judge's ruling. Since the Court granted the defendant's request for partial findings to the extent that the FTC's case is based on anything other than the defendant's website, the scope of the maximum potential recovery in this case is significantly limited, the judge wrote. Caveats advertising buried in fine print the FTC claimed directV ads for the 12-month discount program package were deceptive because they failed to clearly disclose that the package required a two-year contract. DirecTV prices rose as high as \$45 a month in the second year running, and cancellation fees of up to \$480 applied when customers canceled before they were up for two years, according to the FTC. DirecTV also does not disclose that its offer of free premium channels over three months is actually a negative continuity option plan that requires consumers to proactively cancel to avoid automatic fees on their credit or debit cards, the FTC claimed when it filed the lawsuit. Gilliam, Jr. noted that the FTC does not allege that any of the more than 40,000 advertisements it claims to dispute contained affirmatively false representations. The FTC argued that directV ads are likely to mislead reasonable consumers because the warnings are not sufficiently prominent. In the FTC's opening statement at the trial, the agency said directV's posts in ads, if they exist at all, [are seen] flashing briefly on screen, hidden behind hyperlinks, buried in fine print or obscured by dense passages of legal text. However, the FTC did not provide enough evidence to prove that reasonable consumers would be misled, Gilliam Jr. wrote. The judge's decision states: First, as you take this case with a very small number of ads actually analyzed by its experts, the FTC has failed to establish that there is any misleading net impression, and not even clearly determine what it claims to be a net impression. Neither the facial examination of these ads nor the FTC's extrinsic evidence has established that these materials are likely to mislead a reasonable consumer. Second, the FTC also failed to articulate what common net impression conveys more than 40,000 contested ads (covering several different formats) or explain how and why this impression would likely mislead a reasonable consumer. The FTC has not yet said whether it will appeal the ruling. Satellite TV Company Charges Illegal Early Cancellation Fee, Consumer Advocates Argue Santa Monica, CA - A class action charging that DIRECTV, a satellite entertainment company, imposes illegal early cancellation fees of up to \$480, often taking money directly from a consumer's credit card or bank account without the customer's permission, can proceed, a California Higher Court judge ruled. This is a major step forward in our mission to get justice for California consumers defrauded by DIRECTV, said Harvey Rosenfield, founder of the nonprofit Consumer Watchdog, which, along with litigation director Pamela Pressley, is one of the attorneys in the case. California consumers who continue to raid their bank accounts without their consent by DIRECTV deserve their day in court, and a recent court ruling will allow plaintiffs to continue disclosing and disclosing the extent of DIRECTV's deserving practices, Ms. Pressley said. In a lawsuit filed last September in Los Angeles Superior Court on behalf of current and former California DIRECTV customers who were charged an early cancellation fine, Los Angeles resident Kathy Greiner explained that when her DIRECTV receiver stopped working, she ordered a new one. It started experiencing problems, but DIRECTV didn't say it would solve the problem. So Greiner, a six-year-old customer of the company, canceled her service and returned the equipment. DIRECTV subsequently charged Greiner a \$240 fine for early cancellation, which the company took directly from her bank account (after deducting some amounts previously paid) without its knowledge or permission. Greiner's complaint was later consolidated with another lawsuit filed by Amy Imburgia and Marlene Mecca, also California residents. Class action, Imburgia, et. al. v. DirecTV, Inc., contends that DIRECTV did not disclose to customers that it had imposed a deadline of 18 or 24 months of service and that cancellation before the end of the period would result in enormous penalties. The company would also automatically extend the contractual obligation for another year or two if it needed to replace faulty equipment or the customer opted to change programming or other services. DIRECTV charged a fee to customers' credit cards or even took funds from their verification accounts. These rules were not adequately disclosed to customers in advance and were not agreed to by consumers, the lawsuit said. DIRECTV sought to block the state's case in favor of a federal lawsuit in addition to a class action in California state court, numerous lawsuits have been filed against DIRECTV in federal courts, including in California. The state's case was temporarily adjourned while the court considered DIRECTV's request to adjourn the California case until the conclusion of a federal case filed in the Central District of California, which would effectively end the state's litigation. Consumer attorneys in the state court's lawsuit pointed out that the federal case had already been severely delayed because of DIRECTV's litigation tactics and argued that there was no reason for the state court to repay federal court at this time. Los Angeles Superior Court Judge Emilie H. Elias revoked her temporary stay at a hearing last Friday, July 10, after receiving assurances that consumer lawyers in the state's case would coordinate with their colleagues in a federal case to minimize the doubling down of efforts. In addition to attorneys for Consumer Watchdog, Greiner is represented by the law offices of F. Edie Mermetstein, based in Huntington Beach, and Wayne Kreger and Jennifer Steinberg of Milstein, Adelman and Kreger, based in Santa Monica, LLP. Click here to download a copy of the commonly modified complaint. - 30 - Consumer Watchdog, formerly the Taxpayer and Consumer Rights Foundation, is a nonpartisan, nonprofit organization. I worked as a technical support agent for DirecTV for two years, learning about all the things related to DirecTV.Do you spend money on the DirecTV protection plan? If you have DirecTV, you probably have a protection plan they provide. This protection plan is offered to all new customers during the check-in process. Since it only costs an extra \$8 a month, most people opt for the service in their account without ever really knowing what it is or protecting it. As a former DirecTV customer service I've come across a lot of calls that ended up having to explain what the protection plan covered, so maybe this will save you some time during your next call to DirecTV.Who Provides the Protection? As already noted, a protection plan is offered to each customer when they initially sign up for DirecTV. This service, however, is not owned by DirecTV/AT&T. The company that actually provides the warranty service is Asurion or rather NEW Asurion. NEW Asurion is a subsidiary of Asurion Inc., which specifically handles DirecTV guarantees. Although the original protection plan costs as little as \$8 per month, there are now options to buy a premiership protection plan for \$19.99 or a premiership protection plan with ADH for \$24.99, which I will work out later. What are you really paying for? He thinks of these services as insurance. Where exactly does your insurance money go? He's sitting there, isn't he? You may never use it. Most insurance companies use your payment to invest in banks' shares, annuities, or even CDs. No doubt, Asurion does the same. Although car insurance companies will sometimes reduce your check to an estimated amount, Asurion can pay subcontractors to solve your problem. NOVA Asurion often has contracts with these different subcontractors, which gives them a discount on their services. While a typical service call can cost me or you \$50, NEW Asurion can get the same service for half that price. So while you may be paying about \$100 a year for a protection plan, you may never get what you paid for unless you have 3 or 4 service calls a year. Since less than 20% of directV customers require at least one service call per year, it's easy to see how Asurion can make money by providing this service. What's not covered? This is where it gets tricky. If you've ever had to deal with a car insurance company because of a car accident, you can understand the runaround you can get. Oh, you hit a deer? I'm sorry, that's not covered. You readers in the South know what I'm talking about. The protection plan works the same way. Not everything is covered, even if the problem wasn't caused by you. Some of the most thankful calls I received were from customers who were not covered by the protection plan because of a problem caused by the act of God. You heard me right. This is the actual term used in the warranty agreement. I've always had trouble with this formulation because he used God as an excuse to get out of paying bills, whereas most companies wouldn't even recognize religion as the deciding factor. So, what is God's work in DirecTV's opinion? God's actions are actually problems that arise because of nature. These include damage due to downed trees or tree limbs, non-winding, water damage, damage by the animal and even limited signal due to the growth of trees. Unless you have been a customer one of these problems or were DirecTV customer service rep, you can not imagine the disgust displayed by the customer after saying that one of these issues will not be covered because it is an act of God. Other problems that are not covered are problems arising from human error. Human error includes, but is not limited to: cutting any wires, moving equipment, peddling dishes in any way unless done while you are solving problems with a representative and a few other things. What's covered? Initially, the protection plan was intended to cover technical issues due to equipment failure or failure and problems with the alignment of dishes. Over the years, the plan has been expanded to cover almost everyone inside your home. Whether you have a faulty cable or phone port, everything that provides AT&T service inside your home is covered. Accidental damage has been added to the plan, as well as many complaints about problems-solving equipment. The most significant addition to the protection plan's coverage is a free receiver upgrade every two years. This used to be separate from the protection plan, but to encourage more customers to buy the service, it's only included in the end if you have a protection plan. One thing many customers don't know is that remote controls are also covered, but only if they are damaged or stop working. Don't call and expect to get a free remote control because you've lost yours. If anything, tell them it's stopped working. You won't have any trouble getting a free new remote. Premier Protection Now, I'd like to talk a little bit about the Prime Minister's safeguarding plan. Is it worth having? In most cases, no. This protection plan costs \$20 per month (\$240 per year) or \$25 per month to premiere with ADH (\$300 per year). If you have a premiere plan but only have your DirecTV equipment and one or two TVs, go back to the basic protection plan. The only people who benefit from any of these plans are those with expensive surround sound systems and multiple TVs. While the ADH option is useful for those with laptops, a similar protective warranty can be purchased at retail stores for as much as \$25 for a 2-year warranty. In other words, you pay twice what you have to. If you have electronics worth more than \$5k, buy extra protection. If not, it's best to save an extra \$100-\$200 a year and put it in your accounts or anything else you like. How to be covered by a protection plan every time I have previously stated that God's actions are not covered by your protection plan. Well, how can you be covered every time? When you call DirecTV support with a technical problem, you are asked what caused the problem. The only answer you have to give is I don't know. They will then ask you to follow the troubleshooting steps. I encourage everyone to complete these steps because you are able to resolve your problem within an hour, as opposed to waiting for a service call, which could take several weeks. If you're familiar with the troubleshooting steps or have done them before, you can take your way through them with a representative until all the steps are complete. Once all the steps have been completed and your issue is not resolved, a customer service representative will issue you a service call that will be included in your protection plan. I feel like I shouldn't say this but, if you ripped your dish off the roof and threw it on your lawn, don't expect the service call to be free. Most subcontractor companies can't care less if your problem is covered by a protection plan as long as you don't seem to be aware of what caused the problem. Please feel free to leave comments about your experience below. If you have any questions I may be able to help you with, please use the Q&A feature and I will answer as soon as I am able. This article is accurate and true to the best of the author's knowledge. The content is for informational or entertainment purposes only and does not replace personal advice or expert advice in business, financial, legal or technical matters.© 2018 Jesse JamesCommentsMoxielDenver@hotmail.com October 15, 2019: Why should I pay directv to secure their equipment? I don't care if they call it rent, like it's like renting a car. Well, I can't drive it anywhere, it doesn't change anywhere in my house, and when I'm done with DirecTV, I just hand it over. I'm not getting \$1 million back. You get a rental car to buy it, and it's still a useful viable mode of transportation.What would you ever do with DirecTV Genie anywhere else, and it's more than two years old, and it's already been replaced by something new and up-to-date? There is no use for an outdated/outdated piece of equipment. Cars take years to depreciate DirecTV equipment takes about a year or two, and then problems begin. So there's no way I'm ever going to spend \$\$\$. I've never bought Insurance since 2010, and I'll never buy insurance in 2019 or 20.If they ever went out to my house, or went out to my house in the future, I won't pay a fee. I've never been in 10 years. In 2018, traditional U.S. pay-TV providers lost more than 3 million subscribers, according to industry analyst Leichtman Research Group, like that. Buy your HDTV antennas and wait to see if cable companies will do what you need, at no extra cost, or simply turn them off. . You can get all the local channels from these antennas just do your research. More than 70% of us households subscribe to more than 1 streaming service.... Almost 20% sign up for four or more services.bath and if you only care about local TV channels you can get those with an antenna and then just buy your streaming service.or you pay high prices for your cable company and you pay extra for Netflix or Amazon receive everything for Hulu or any other service out there, and it's up to the consumer. . so remember that the next time any cable provider tells you that you have to pay for this insurance. N O P E..... GO TO YOUR RETENTION DEPARTMENT OF ANY CABLE SERVICE YOU USE.... THEY EITHER PLACE YOUR LOYALTY TO THEIR COMPANY BY GIVING YOU THREE HOME SERVICES FOR THEIR BROKEN EQUIPMENT OR YOU GO ELSEWHERE AND HANG UP LIKE THREE MILLION OTHERS HAVE ALREADY DONE. Francisco Alvarez 05 September 2019:I decided, after some reflection and verification of my finances, I do not want a Protection Plan. Please cancel now. Thank you. Gus D. August 06, 2019: How can I cancel my direct TV protection plan? August 01, 2019: Is there a limited warranty on purchased Mini Genes? Sonny Yates on July 28, 2019: Solving the problem of visiting where I am is \$100. We've had three in the last year so \$8.99 was worth \$8.99 to us. David Crandon 24 July 2019: This is such a robbery. Why the hell should I pay for repairs or replacements or DIRECTV assets. Why don't they do it like any regular cable company. The equipment is their property, there is never a charge for repair or replacement, free upgrades, and when you leave them, you return the equipment. Linda Nichols 03 April 2019: We just got Direct and ATT, two questions1. LI AT&T is also covered along with Direct on a protection plan for \$8,992. Your opinion would you get a protection plan if you had Direct, we don't have children or petsLarry M. March 07, 2019: Very useful information. Thank You.Jersey Girl on December 31, 2018: We recently had a problem that turned out to be a bad screen on 18-month-old TV. We used the Premium protection plan and everything was handled quickly, professionally and now we have a new TV. It's a well-worth the cost. Bill on September 16, 2018:If my child knocked my tv down is it covered it covered it the premier coverage!Unnamed on August 24, 2018:Don't ever pay for this plan!! They cheated you out of money and they don't follow you! Customer service is complete robots without emotion! They don't care about you or your feelings! So incredibly disappointed! Jesse James (author) of Crooked Letter State on May 27, 2018: This is a question I received many times when I was a DirecTV tech. The short answer to your question is that you are tied to a contract that requires you to pay for the maintenance of the equipment you own. Technically, it's still a DirecTV asset for the first two years, but the contract you signed has a lot of small disclaimers. You have to love that little press. If it's any consolation, know that you will eventually own your equipment. The only hook is, DirecTV will try to attract you to restructure your contract with the lure of a new receiver upgrade. is purely a technique to reduce their costs and get you to pay more. It seems like you got a good deal with promoting gift cards. I wish there was a better explanation, but the truth is direcTV wants more money however they get it. Crandon David on May 19, 2018: Just logged on to Direct TV in Costco which included a \$300 Costco Gift Card. Good job, I think. Anyway, the equipment is Direct TV assets, right. Not like the phone that's my property. So if it's their property, why would they charge me to fix something that's broken? It's their property. I have to give it back to them if I leave. I can understand having to pay for God's actions... But nothing else... Can you explain this, please? Thank you! Thank you!

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