

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

IN RE: MIDLAND CREDIT MANAGEMENT, INC.,  
TELEPHONE CONSUMER PROTECTION ACT  
(TCPA) LITIGATION

MDL No. 2286

TRANSFER ORDER

**Before the Panel:** Pursuant to Panel Rule 7.1, plaintiff in the action listed on Schedule A (*Linko*) moves to vacate our order that conditionally transferred *Linko* to MDL No. 2286. Defendants Encore Capital Group, Inc., Midland Funding, LLC, and Midland Credit Management, Inc. (collectively, Midland), oppose the motion.

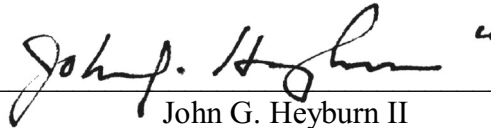
After considering all argument of counsel, we conclude that this action involves common questions of fact with the actions previously transferred to MDL No. 2286, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. *Linko* presents the same factual and legal issues as do the actions pending in MDL No. 2286—namely, like those actions, plaintiff alleges that Midland violated the TCPA when it, or its agents, contacted him on his cellular telephone using an automatic telephone dialing system without express consent. Thus, this action will involve similar factual inquiries and discovery as to Midland's policies and practices with respect to calling procedures.

Although plaintiff emphasizes that the alleged debt was incurred by his father, we note that several other actions transferred to MDL No. 2286 also involve allegations that the debt collection calls were made to plaintiffs who did not incur the debts at issue. In any case, Section 1407 does not require a complete identity or even a majority of common factual and legal issues as a prerequisite to centralization. See *In re Satyam Computer Servs., Ltd., Sec. Litig.*, 712 F. Supp. 2d 1381, 1382 (J.P.M.L. 2010). Nor is plaintiff's argument for application of Third Circuit case law to discovery disputes in *Linko* well taken. We do not consider what law the transferee court might apply when deciding whether to transfer an action to an MDL. See *In re Gen. Motors Class E Stock Buyout Sec. Litig.*, 696 F. Supp. 1546, 1547 (J.P.M.L. 1988).

-2-

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, the action listed on Schedule A is transferred to the Southern District of California and, with the consent of that court, assigned to the Honorable Michael M. Anello for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "John G. Heyburn II", is written above a horizontal line. The signature is cursive and includes a small mark at the end.

John G. Heyburn II  
Chairman

Marjorie O. Rendell  
Lewis A. Kaplan  
Ellen Segal Huvelle

Charles R. Breyer  
Sarah S. Vance  
R. David Proctor

**IN RE: MIDLAND CREDIT MANAGEMENT, INC.,  
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**SCHEDULE A**

Middle District of Pennsylvania

LINKO v. MIDLAND CREDIT MANAGEMENT, INC., ET AL., C.A. No. 3:14-00230