

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: PORTFOLIO RECOVERY ASSOCIATES,
LLC, TELEPHONE CONSUMER PROTECTION
ACT (TCPA) LITIGATION**

MDL No. 2295

ORDER DENYING TRANSFER

Before the Panel: Defendant Portfolio Recovery Associates, LLC, moves under 28 U.S.C. § 1407(c) to transfer the three actions listed on Schedule A to MDL No. 2295. Plaintiffs in two actions did not object to the motions. *Pro se* plaintiff in the Northern District of Illinois *Arora* action opposes transfer.

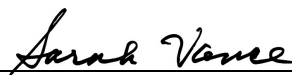
The actions involved in MDL No. 2295 arise from allegations that Portfolio violated the Telephone Consumer Protection Act by placing debt collection calls to plaintiffs' cellular telephones using an autodialer, without their consent. *See In re: Portfolio Recovery Assoc., LLC, Tel. Consumer Prot. Act. Litig.*, 846 F. Supp. 2d 1380, 1381 (J.P.M.L. 2011). Plaintiffs in the three actions now before the Panel make similar allegations, and no party disputes that these actions share factual questions with the actions pending in MDL No. 2295. The *Arora* plaintiff argues, *inter alia*, that the procedural posture of MDL No. 2295 weighs against transfer, as the close of common discovery is imminent.

After considering the argument of counsel, we conclude that inclusion of these actions in MDL No. 2295 is not necessary to achieve the just and efficient conduct of the litigation. As we have previously observed, "multidistrict litigation is not static." *See MDL No. 1769, In re: Seroquel Prods. Liab. Litig.*, Order Vacating Conditional Transfer Order, ECF No. 344, at 1 (J.P.M.L. Feb. 5, 2010). The relative merits of transferring new tag-along actions to an MDL can change over time as the transferee court completes its primary tasks, and at a certain point the benefits of transfer cease. *See id.* A class settlement was granted final approval in MDL No. 2295 in December 2016, and common fact discovery is nearly complete for the remaining individual actions. At this point, any relevant discovery and substantive rulings made in the MDL can be made available to the parties and the presiding courts in the actions before the Panel. We are of the opinion that proceedings in this MDL have advanced to the point that the continued transfer of related actions is no longer necessary to achieve the purposes of 28 U.S.C. § 1407.

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IT IS THEREFORE ORDERED that the motion for transfer of these actions is denied.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance

Chair

Marjorie O. Rendell
Lewis A. Kaplan
R. David Proctor

Charles R. Breyer
Ellen Segal Huvelle
Catherine D. Perry

**IN RE: PORTFOLIO RECOVERY ASSOCIATES,
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SCHEDULE A

Middle District of Florida

HYNES v. CAPITAL ONE BANK (USA) NATIONAL ASSOCIATION, ET AL.,

C.A. No. 8:17-02176

ANCONA v. PORTFOLIO RECOVERY ASSOCIATES, INC., C.A. No. 8:17-02396

Northern District of Illinois

ARORA v. PORTFOLIO RECOVERY ASSOCIATES, LLC, C.A. No. 1:17-06851