

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 action listed on Schedule A (*Williams*) to MDL No. 2295. Plaintiff did not respond to the motion.

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). Plaintiff in *Williams* makes similar allegations, and no party disputes that *Williams* shares factual questions with the actions pending in MDL No. 2295. But we recently found that the procedural posture of MDL No. 2295 weighs against the transfer of additional tag-along actions, as common discovery is complete. *See Order Denying Transfer*, MDL No. 2295, ECF No. 866 (J.P.M.L. Feb. 1, 2018) ("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."). Defendant has not persuaded us that a different result is warranted with respect to this action.

After considering the argument of counsel, we conclude that inclusion of *Williams* in MDL No. 2295 is not necessary to achieve the just and efficient conduct of the litigation. We also will suspend Panel Rule 7.1(a) in this docket with respect to any newly-filed actions.

* Judge Lewis A. Kaplan took no part in the disposition of this matter.

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IT IS THEREFORE ORDERED that the motion for transfer of this action is denied.

IT IS FURTHER ORDERED that Panel Rule 7.1(a), requiring notification to the Clerk of the Panel of potential tag-along actions, is suspended in this litigation.

PANEL ON MULTIDISTRICT LITIGATION



Sarah S. Vance
Chair

Marjorie O. Rendell
Ellen Segal Huvelle
Catherine D. Perry

Charles R. Breyer
R. David Proctor

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

MDL No. 2295

SCHEDULE A

Middle District of Florida

WILLIAMS v. PORTFOLIO RECOVERY ASSOCIATES, LLC, C.A. No. 6:17-02064