

**UNITED STATES JUDICIAL PANEL**  
**on**  
**MULTIDISTRICT LITIGATION**

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

Alisa Baker v. Portfolio Recovery Associates, L.L.C., et al., )  
W.D. Michigan, C.A. No. 2:12-00409 ) MDL No. 2295

**TRANSFER ORDER**

**Before the Panel:** Pursuant to Panel Rule 7.1, plaintiff moves to vacate our order conditionally transferring this action (*Baker*) to MDL No. 2295. Defendant Portfolio Recovery Associates, LLC (Portfolio), opposes the motion.

The actions encompassing MDL No. 2295 involve allegations that Portfolio violated the federal Telephone Consumer Protection Act (TCPA) by placing debt collection calls to debtors' cellular telephones using an automated system, without the debtors' 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 argues that her action is not appropriate for inclusion in MDL No. 2295 because, *inter alia*, (1) her action alleges violations of the Fair Debt Collection Practices Act (FDCPA) and Michigan state law; (2) she seeks actual damages; and (2) transfer would inconvenience her. Plaintiff also argues that Portfolio's goal in notifying the Panel of this action as a potential tag-along is to inconvenience her and increase litigation costs.

After considering all argument of counsel, we find this action involves common questions of fact with the actions previously transferred to MDL No. 2295, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of the litigation. Contrary to plaintiff's arguments, MDL No. 2295 already includes several actions alleging claims under the FDCPA, as well as at least one action seeking actual damages. *See* Transfer Order, MDL No. 2295, Apr. 1, 2013; Transfer Order, MDL No. 2295, Aug. 3, 2012; Transfer Order, MDL No. 2295, Jun. 8, 2012. Moreover, the Panel has long held that the presence of unique claims is not a bar to transfer. *See In re: Satyam Computer Servs., Ltd., Sec. Litig.*, 712 F. Supp. 2d 1381, 1382 (J.P.M.L. 2010). Like the MDL No. 2295 actions, *Baker* involves allegations that defendant Portfolio called plaintiff's cellular telephone without her permission using an automatic dialing system in violation of the TCPA. If the transferee judge determines after close scrutiny that remand of any claim is appropriate, this may be accomplished with a minimum of delay. *See* Panel Rule 10.1.

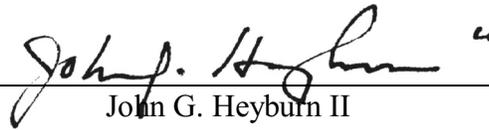
The Panel repeatedly has held that, while it might inconvenience some parties, transfer of a particular action often is necessary to further the expeditious resolution of the litigation taken as a whole. *See, e.g., In re: Crown Life Ins. Co. Premium Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001). Defendant's motivation in notifying the Panel that *Baker* is a potential tag-along action is not

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relevant to the Panel's consideration, as Portfolio is required to provide the Panel with such notification under Panel Rule 7.1(a).

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, this action is transferred to the Southern District of California and, with the consent of that court, assigned to the Honorable John A. Houston 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

Kathryn H. Vratil  
Paul J. Barbadoro  
Charles R. Breyer

W. Royal Furgeson, Jr.  
Marjorie O. Rendell  
Lewis A. Kaplan