

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: CONVERGENT TELEPHONE CONSUMER
PROTECTION ACT (TCPA) LITIGATION**

Tauro v. Convergent Outsourcing, Inc.)
D. Connecticut, C.A. No. 3:14-01528) MDL No. 2478
(W.D. Pennsylvania, C.A. No. 2:14-00761))

ORDER DENYING MOTION FOR MISCELLANEOUS RELIEF

Before the Panel: *Pro se* plaintiff John J. Tauro moves the Panel to “issue findings of fact[] and conclusions of law in arriving at its to decision to allow” the transferee court to dismiss the above-captioned action (*Tauro*).¹ Mot. for Misc. Relief at 3, *In re Convergent Tel. Consumer Prot. Act (TCPA) Litig.*, MDL No. 2478 (J.P.M.L. Jan. 11, 2018), ECF No. 311. This motion lacks merit. As has been explained to plaintiff, Section 1407 does not empower the Panel to overturn dismissal orders issued by a transferee court. Rather, any challenge to the transferee court’s decision should be raised either with the transferee court or the appropriate court of appeals. *See* Order Denying Mot. for Recons. at 1, *In re Convergent* (J.P.M.L. Jan. 5, 2018), ECF No. 310.

The present motion constitutes plaintiff’s *fourth* challenge to the dismissal of *Tauro* filed with the Panel. On October 17, 2017, plaintiff moved to remand *Tauro* to the transferor court pursuant to 28 U.S.C. § 1407(a). While that motion was pending, the transferee court dismissed *Tauro* in an order filed on December 11, 2017. Plaintiff then submitted a supplemental paper to the Panel reiterating his request for remand and requesting that the Panel “correct the unlawful actions” of the transferee court. Pl.’s Supplemental Info. at 1, *In re Convergent* (Dec. 12, 2017), ECF No. 305. The Panel Clerk issued an order deeming the remand motion moot (because *Tauro* had been dismissed) and advised plaintiff that “[t]he Panel is not the correct forum in which to raise such a challenge.” Order Deeming Mot. Moot at 1, *In re Convergent* (J.P.M.L. Dec. 13, 2017), ECF No. 306.

Plaintiff thereafter submitted a letter brief in which he requested that the Panel “reinstate the motion” to remand. Pl.’s Supplemental Info. at 1, *In re Convergent* (Dec. 26, 2017), ECF No. 307. The Panel Clerk issued a minute order denying the request for reinstatement, again advising plaintiff that “[t]o the extent plaintiff is aggrieved by the transferee court’s dismissal of *Tauro*, the Panel is not the correct forum to appeal or otherwise challenge that dismissal” Minute Order, *In re Convergent* (J.P.M.L. Jan. 3, 2018), ECF No. 308. Plaintiff then moved for reconsideration, which

¹ Plaintiff’s motion was docketed by the Clerk of the Panel as a motion for miscellaneous relief pursuant to Panel Rule 6.3.

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was denied in a summary order. *See* Order Denying Mot. for Recons., *In re Convergent* (J.P.M.L. Jan. 5, 2018), ECF No. 310. Plaintiff filed the pending motion on January 11, 2018.

This order thus marks the fourth occasion that we have informed plaintiff that the Panel cannot provide the relief he seeks. Even if we were so inclined, the Panel cannot remand *Tauro* to the transferor court because it has been dismissed. Nor do we have the authority to review or overturn the decision of the transferee court to dismiss an action transferred by the Panel. Given plaintiff's repetitive filing of motions seeking the same relief from the Panel, and these motions' patent lack of merit, some restraining mechanism is in order. Therefore, plaintiff is admonished not to file further motions with the Panel regarding *Tauro*. We shall direct the Clerk of the Panel to accept no further documents for filing relating to *Tauro* without prior approval of the Panel.

IT IS THEREFORE ORDERED that plaintiff's motion for miscellaneous relief is denied, and

IT IS FURTHER ORDERED that the Clerk of the Panel is directed to accept no document submitted by plaintiff John J. Tauro and relating to the above-captioned action for filing unless and until leave is granted by the Panel to file the same.

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