

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

**IN RE: MONITRONICS INTERNATIONAL, INC.,
TELEPHONE CONSUMER PROTECTION ACT (TCPA)
LITIGATION**

MDL No. 2493

ORDER VACATING CONDITIONAL REMAND ORDER

Before the Panel: Pursuant to Panel Rule 10.2, defendants Monitronics International, Inc., and ISI Alarms NC, Inc., move to vacate our order conditionally remanding the action listed on Schedule A (*Giles*) from MDL No. 2493 to its transferor court, the Northern District of Georgia. Plaintiff in *Giles* opposes the motions and supports remand under Section 1407.

After considering the argument of counsel, we will grant the motions to vacate. The docket in MDL No. 2493 indicates that the transferee court has not had the opportunity to consider the issues that the parties have presented to the Panel. The Panel has held that the transferee court is in the best position to resolve factual disputes and determine whether allegedly unique claims will benefit from coordinated pretrial proceedings. *See, e.g.*, Transfer Order (*Mey*) at 1 (J.P.M.L. Apr. 2, 2014). Here, the parties did not notify the transferee court that plaintiff's proposed remand was opposed or the reasons why. Accordingly, we find it appropriate for *Giles* to remain in the MDL for that court's determination of the issues raised in the Panel briefing and any other pretrial proceedings that the transferee court considers appropriate.

IT IS THEREFORE ORDERED that the conditional remand order filed on July 13, 2015, is vacated.

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

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SCHEDULE A

Northern District of Georgia

GILES v. ISI ALARMS NC, INC., ET AL., C.A. No. 1:13-03377
(N.D. West Virginia, C.A. No. 1:14-00020)