

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

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

MDL No. 2493

**TRANSFER ORDER**

**Before the Panel:** Plaintiff moves under Panel Rule 7.1 to vacate the Panel’s order conditionally transferring the action listed on the attached Schedule A (*Tarizzo*) to MDL No. 2493. Defendant Alliance Security, Inc. (Alliance) opposes the motion and supports transfer. The actions in MDL No. 2493 involve allegations that Monitronics International, Inc. (Monitronics), a home security system and alarm monitoring company, violated the TCPA when Monitronics or its alleged agents placed telemarketing calls to persons on the national Do Not Call Registry or to residential or wireless telephones without the individual’s consent. *See In re: Monitronics Int’l, Inc., Tel. Consumer Prot. Act (TCPA) Litig.*, 988 F. Supp. 2d 1364 (J.P.M.L. 2013). *Tarizzo* alleges that automated calls promoting a home security system were placed to plaintiff’s wireless phone without his consent, but asserts that Alliance is the responsible party, without reference to Monitronics.

In support of his motion, movant primarily argues that *Tarizzo* does not share common factual questions with the actions in MDL No. 2493 because he does not make any allegations against Monitronics, the lead defendant in the MDL. We recently rejected this argument in ordering transfer of three substantially similar actions brought solely against Alliance, based on the determination that those actions share common factual issues with the actions in MDL No. 2493, notwithstanding the absence of specific allegations against Monitronics. *See* Transfer Order (*Cunningham*) at 2 (J.P.M.L. Oct. 9, 2014); Transfer Order (*Vaughan*), at 1 (J.P.M.L. Apr. 1, 2015); Transfer Order (*Abramson*) at 1 (J.P.M.L. June 8, 2015). We observed that the master complaint in the MDL sets forth “particularized allegations that Alliance is subject to Monitronics’ control pursuant to the terms of certain contracts,” and thus, found it “highly likely” that discovery in an action solely against Alliance will overlap with discovery in MDL No. 2493. *See* Transfer Order (*Cunningham*) at 2.<sup>1</sup> The same considerations apply to *Tarizzo*.

Movant also argues that transfer is not appropriate because his action includes unique allegations concerning residential numbers. But this argument rests on an incomplete description of the MDL. The Panel’s initial transfer order centralized actions involving telemarketing calls to

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<sup>1</sup> We further noted that “[t]his overlap is reflected in the transferee court’s order granting Alliance’s motion to consolidate the similarly-situated *Beavers* action with the actions in MDL No. 2493.” *See* Transfer Order (*Cunningham*) at 2.

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“residential *or* wireless telephones,” by Monitronics or its agents. *See Monitronics*, 988 F. Supp. 2d at 1365 (emphasis added). Additionally, the master complaint in the MDL plainly encompasses calls placed by Alliance to “cellular” numbers, which is the focus of the *Tarizzo* complaint.<sup>2</sup>

Movant further argues that (1) discovery in the MDL is at an advanced stage, and (2) a distant forum will cause him inconvenience. These arguments are unconvincing. Discovery in the MDL remains open; thus, transfer will facilitate coordinated discovery in all related actions, including *Tarizzo*.<sup>3</sup> Furthermore, while we are sympathetic to plaintiff’s concerns about inconvenience, they are insufficient to justify denial of transfer. While transfer of a particular action might inconvenience some parties to that action, transfer is often necessary to further the expeditious resolution of the litigation taken as a whole. *See, e.g., In re: Crown Life Ins. Premium Litig.*, 178 F. Supp. 2d 1365, 1366 (J.P.M.L. 2001).

After considering the argument of counsel, we conclude that this action shares questions of fact with the actions previously transferred to MDL No. 2493 and that transfer under 28 U.S.C. § 1407 will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Although Monitronics is not named in the complaint, the record before us indicates that the *Tarizzo* action involves factual questions concerning “Monitronics’ policies and procedures for calling consumers, directly or through agents, for the purpose of selling home security products or services, as well as its procedures for obtaining and recording a consumer’s consent to receive such calls.” *See In re: Monitronics Int’l, Inc., Tel. Consumer Prot. Act (TCPA) Litig.*, 988 F. Supp. 2d at 1366. Thus, the action will benefit from common discovery and pretrial proceedings.

IT IS THEREFORE ORDERED that this action is transferred to the Northern District of West Virginia and, with the consent of that court, assigned to the Honorable Irene M. Keeley for inclusion in the coordinated or consolidated pretrial proceedings occurring there in this docket.

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<sup>2</sup> *See* Master Compl. ¶ 126 (asserting TCPA violation based on defendants’ practices in making “calls . . . using an automatic telephone dialing system . . . to cellular telephone numbers”).

<sup>3</sup> We also note that the transferee court recently stayed the MDL proceedings pending the resolution of two Supreme Court cases, subject to certain exceptions for discovery and settlement proceedings. Transfer will facilitate management of *Tarizzo* in a manner consistent with the stay order.

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PANEL ON MULTIDISTRICT LITIGATION



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Sarah S. Vance  
Chair

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

Charles R. Breyer  
Ellen Segal Huvelle  
Catherine D. Perry

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

MDL No. 2493

**SCHEDULE A**

Central District of California

TARIZZO v. ALLIANCE SECURITY INC., C.A. No. 2:15-02644