

**UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION**

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

MDL No. 2493

ORDER DENYING TRANSFER

Before the Panel: Defendant Monitronics International, Inc. (Monitronics) moves under 28 U.S.C. § 1407 for transfer of the action listed on Schedule A (*Redden*) to MDL No. 2493. Plaintiff did not file a response.

After considering the argument of counsel, we deny the motion for transfer. The actions centralized in this MDL “share common factual allegations regarding 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 1364, 1366 (J.P.M.L. 2013). The current master consolidated complaint in MDL No. 2493 indicates that the focus of MDL remains allegedly unlawful “telemarketing in the home security industry.” In contrast, the *Redden* action alleges unlawful debt collection calls by Monitronics.

Monitronics argues that transfer of *Redden* still is appropriate based on the conclusory statement that the common factual issues concerning its policies and procedures for calling consumers and obtaining consent also are central to the *Redden* action. Monitronics fails to acknowledge that debt collection calls are subject to additional restrictions under federal and state law that are distinct from the TCPA issues that are involved in MDL No. 2493. For example, *Redden* claims that the alleged calls were “at unusual times or at times known to be inconvenient, with intent to annoy, abuse, oppress or threaten plaintiff” and that the calls were “unfair or unconscionable means to collect the Debt” in violation of a state debt collection law.¹ But the actions in MDL No. 2493 do not concern debt collection practices. On this record, considering the different factual and legal issues involved in *Redden*, the Panel finds that transfer of *Redden* to MDL No. 2493 will not serve the just and efficient conduct of the litigation.

¹ The federal Fair Debt Collection Practices Act also sets forth numerous provisions governing such calls. *See, e.g.*, 15 U.S.C. §§ 1692c, 1692d.

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IT IS THEREFORE ORDERED that the motion for transfer of the action listed on Schedule A is denied.

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

**IN RE: MONITRONICS INTERNATIONAL, INC.,
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SCHEDULE A

Southern District of West Virginia

REDDEN v. MONITRONICS INTERNATIONAL, INC., C.A. No. 5:14-27757