

**UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION**

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

MDL No. 2493

**ORDER DENYING REMAND**

**Before the Panel:** Plaintiff in the action listed on Schedule A (*Bank*), which we previously transferred from the Eastern District of New York to MDL No. 2493, moves for an order remanding the action to the transferor court. Responding defendant Monitronics International, Inc., opposes the motion.

After considering the argument of the parties, we conclude that remand is not appropriate at this time, and therefore deny plaintiff's motion. In considering the question of Section 1407 remand, we accord great weight to the transferee judge's determination that remand of a particular action at a particular time is appropriate, as that judge has supervised the day-to-day pretrial proceedings in the MDL. *See In re Holiday Magic Sec. & Antitrust Litig.*, 433 F. Supp. 1125, 1126 (J.P.M.L. 1977). The transferee judge's suggestion of remand to the Panel, *see* Rule 10.1(b), is an indication that the judge perceives his role under Section 1407 to have ended. *See In re: Columbia/HCA Healthcare Corp. Qui Tam Litig. (No. II)*, 560 F. Supp. 2d 1349, 1350 (J.P.M.L. 2008). Here, the transferee judge has not issued a suggestion of remand. Without a suggestion of remand, a party advocating Section 1407 remand "bears a strong burden of persuasion." *See In re: Holiday Magic*, 433 F. Supp. at 1126. We conclude that plaintiff has not met that burden here.

Plaintiff's sole argument in support of remand is that in early 2019 he submitted a request for exclusion from the class action settlement in the MDL, that received final approval in 2018. In the transferee court, Monitronics has asserted that the exclusion request is untimely and invalid, and plaintiff's claims against Monitronics were extinguished by the settlement. We find that remand of this action is inappropriate while contested matters as to the scope and impact of the class action settlement are pending before the transferee court, absent a suggestion of remand.

Additionally, although this MDL is at an advanced stage, the transferee court docket indicates that pretrial proceedings in actions involving Monitronics remain in progress.<sup>1</sup> Given this posture, remand is premature at this time.

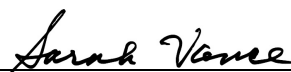
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<sup>1</sup> Plaintiff also has asserted claims against common defendants Alliance Security, Inc., and UTC Fire & Security Americas Corp.

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IT IS THEREFORE ORDERED that the motion for Section 1407 remand of this action is denied.

PANEL ON MULTIDISTRICT LITIGATION



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Sarah S. Vance  
Chair

Lewis A. Kaplan  
R. David Proctor  
Karen K. Caldwell

Ellen Segal Huvelle  
Catherine D. Perry  
Nathaniel M. Gorton

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

Northern District of West Virginia

BANK v. ALLIANCE SECURITY, INC., ET AL., C.A. No. 1:14-00215  
(E.D. New York, C.A. No. 1:14-04410)