

ROBINS, KAPLAN, MILLER & CIRESI LLP

800 LASALLE AVENUE  
2800 LASALLE PLAZA  
MINNEAPOLIS, MN 55402-2015  
TEL: 612-349-8500 FAX: 612-339-4181  
www.rkmc.com

ATTORNEYS AT LAW

Jennifer M. Robbins  
jmrobbins@mc.com  
612-349-8711

February 13, 2012

By ECF

Molly C. Dwyer  
Office of the Clerk  
James R. Browning Courthouse  
United States Court of Appeals  
95 Seventh Street  
San Francisco, CA 94103-1526

Re: *Jesse Meyer v. Portfolio Recovery Associates, LLC*  
Ninth Circuit Court of Appeals Case No. 11-56600

Dear Ms. Dwyer:

In accordance with the practice of this Court, this letter provides notice of the Transfer Order issued on December 21, 2011, by the United States Judicial Panel on Multidistrict Litigation (the "MDL Panel") in the *In re: Portfolio Recovery Associates, LLC, Telephone Consumer Protection Act Litigation* (MDL No. 2295), attached hereto as Exhibit A. In its Transfer Order, the MDL Panel ordered centralization of five actions, including *Jesse Meyer v. Portfolio Recovery Associates, LLC*, Case No. 3:11-cv-01008, in the U.S. District Court for the Southern District of California. The MDL Panel's Transfer Order is on file with the U.S. District Court for the Southern District of California at Docket No. 96 in Case No. 3:11-cv-01008-JAH-BGS, and thus supplements and is part of the record on appeal in the above-referenced matter pursuant to Fed. R. App. P. 10(a).

Respectfully submitted,

*s/Jennifer M. Robbins*  
Jennifer M. Robbins

Attachment


cc: All counsel of record (via ECF)

# **EXHIBIT A**

I hereby attest and certify on Dec 21, 2011 that the foregoing document is a full, true and correct copy of the original on file in my office and in my legal custody.

Clerk, U.S. District Court  
Southern District of California

By: S.K. Johnson  
Deputy



**FILED**

**DEC 21 2011**

CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
DEPUTY

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

**IN RE: PORTFOLIO RECOVERY ASSOCIATES, LLC, TELEPHONE CONSUMER PROTECTION ACT LITIGATION**

MDL No. 2295

**TRANSFER ORDER**

**Before the Panel:** Pursuant to 28 U.S.C. § 1407, plaintiffs in the action pending in the Northern District of Illinois move to centralize this litigation in that district. This litigation currently consists of five actions pending in four districts, as listed on Schedule A.

Common defendant Portfolio Recovery Associates, LLC (Portfolio) suggests centralization in the Southern District of California. Plaintiffs in the Northern District of Georgia and Middle District of Florida actions oppose centralization or, if the Panel deems centralization to be appropriate, suggest the Northern District of Georgia as transferee district. Plaintiffs in the Southern District of California actions suggest centralization of all but the Northern District of Georgia and Middle District of Florida actions in the Southern District of California. At oral argument, moving plaintiffs stated that they now do not oppose the choice of the Southern District of California as transferee district, and they do not oppose exclusion of the Northern District of Georgia and Middle District of Florida from centralized proceedings.

On the basis of the papers filed and hearing session held, we find that these actions involve common questions of fact, and that centralization of all actions in the Southern District of California will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. These actions share factual questions arising out of allegations that Portfolio violated the federal Telephone Consumer Protection Act by placing debt collection calls to debtors' cell phones using an automated system, without the debtors' consent. Centralization will eliminate duplicative discovery; prevent inconsistent pretrial rulings, including with respect to class certification; and conserve the resources of the parties, their counsel, and the judiciary. Centralization also is consistent with our decision in *In re Midland Credit Management, Inc., Telephone Consumer Protection Act Litigation*, MDL No. 2286, 2011 WL 4889250 (J.P.M.L. Oct. 11, 2011).

Plaintiffs opposing centralization argue, *inter alia*, that (1) the Northern District of Georgia and Middle District of Florida actions allege putative statewide classes that are substantially different than the classes alleged in the remaining three actions; (2) only five actions are pending and they do not involve complex common facts or discovery; and (3) these actions are in different procedural postures such that centralization will little benefit the more advanced actions. Plaintiffs make a

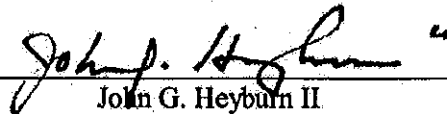
-2-

persuasive case against centralization but, on balance, particularly given the likely overlap in discovery and pretrial proceedings, we are convinced that centralization will promote the just and efficient conduct of this litigation. The putative classes in the Northern District of Georgia and Middle District of Florida actions are subsumed by the alleged nationwide classes in other cases. Centralization therefore will eliminate the risk of inconsistent rulings on class certification. Furthermore, though there are only five actions currently pending, as we noted in *In re Midland Credit Management*, which involved only four actions, centralization will promote efficient conduct of the litigation by preventing duplicative discovery into Portfolio's policies and practices as to its calling procedures. None of the actions appears to be so advanced that it cannot benefit from coordinated pretrial proceedings. Indeed, all actions were filed within six months of each other.

We are persuaded that the Southern District of California is the most appropriate transferee district. The two actions pending in that district were the first actions filed, they have been advancing, and a ruling in the Southern District of California *Meyer* action is currently on appeal to the Ninth Circuit. Moreover, defendant and some plaintiffs support centralization there.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A and pending outside the Southern District of California are transferred to the Southern District of California and, with the consent of that court, assigned to the Honorable John A. Houston for coordinated or consolidated pretrial proceedings with the actions pending there and listed on Schedule A.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II  
Chairman

Kathryn H. Vratil  
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Marjorie O. Rendell

W. Royal Furgeson, Jr.  
Paul J. Barbadoro  
Charles R. Breyer

**IN RE: PORTFOLIO RECOVERY ASSOCIATES,  
LLC, TELEPHONE CONSUMER PROTECTION  
ACT LITIGATION**

MDL No. 2295

**SCHEDULE A**

Southern District of California

Danny Allen, Jr. v. Portfolio Recovery Associates, Inc., C.A. No. 3:10-02658  
Jesse Meyer v. Portfolio Recovery Associates, LLC, et al., C.A. No. 3:11-01008

Middle District of Florida

Karen Harvey v. Portfolio Recovery Associates, LLC, C.A. No. 6:11-00582

Northern District of Georgia

Kimberly Bartlett v. Portfolio Recovery Associates, Inc., C.A. No. 1:11-00624

Northern District of Illinois

Jeremy Frydman, et al. v. Portfolio Recovery Associates, LLC, C.A. No. 1:11-00524

**Van Alstine, Dawn M.**

**From:** efile\_information@casd.uscourts.gov  
**Sent:** Wednesday, December 21, 2011 3:19 PM  
**To:** CourtMail@casd.uscourts.gov  
**Subject:** Activity in Case 3:11-cv-01008-JAH-BGS Meyer v. Portfolio Recovery Associates, LLC et al Notice of MDL Filing  
**Follow Up Flag:** Follow up  
**Flag Status:** Orange  
**Filed:** -1  
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**U.S. District Court  
Southern District of California**

**Notice of Electronic Filing**

The following transaction was entered on 12/21/2011 at 1:18 PM PST and filed on 12/21/2011

**Case Name:** Meyer v. Portfolio Recovery Associates, LLC et al  
**Case Number:** 3:11-cv-01008-JAH-BGS  
**Filer:**  
**Document Number:** 96

**Docket Text:**  
**NOTICE of MDL Filing: Transfer Order (MDL No. 2295) In Re: Portfolio Recovery Associates, LLC, Telephone Consumer Protection Act Litigation (kaj)**

**3:11-cv-01008-JAH-BGS Notice has been electronically mailed to:**

- Ethan Mark Preston ep@eplaw.us
- Julia Veronica Lee jvlee@rkmc.com
- David C. Parisi dparisi@parisihavens.com, dcparisi@msn.com
- Suzanne Havens Beckman shavens@parisihavens.com
- Azita Moradmand amoradmand@parisihavens.com
- Christopher William Madel cwmadel@rkmc.com, bmlandy@rkmc.com, dmvanalstine@rkmc.com, nsfrank@rkmc.com
- Jennifer M. Robbins jmrobbins@rkmc.com, bmlandy@rkmc.com, bsbrtek@rkmc.com, smkranz@rkmc.com

12/29/2011

The following document(s) are associated with this transaction:

**Document description:**Main Document

**Original filename:**n/a

**Electronic document Stamp:**

[STAMP dcecfStamp\_ID=1106146653 [Date=12/21/2011] [FileNumber=5783833-0] [3aae310671be8031dc2bc62b8e3da850b814031b8dd0d6a4468b33268eb6c0d1ea719bac7946ac7ce97031dfce7cd42720afb96706246f67094801e18130835]]

**Ninth Circuit Case No. 11-56600**

**CERTIFICATE OF SERVICE**

I hereby certify that on the 13th day of February, 2012, I electronically filed the foregoing document, a letter from Jennifer M. Robbins to Molly C. Dwyer, Office of the Clerk, with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the appellate CM/ECF system, including the following counsel of record:

Ethan Preston  
PRESTON LAW OFFICES  
21001 North Tatum Blvd.  
Suite 1630-430  
Phoenix, Arizona 85050  
Tel: (480) 269-9540  
Fax: (866) 509-1197  
Email: ep@eplaw.us

David C. Parisi  
Suzanne Havens Beckman  
Azita Moradmand  
PARISI & HAVENS LLP  
15233 Valleyheart Drive  
Sherman Oaks, California 91403  
Tel: (818) 990-1299  
Fax: (818) 501-7852  
Email: dparisi@parisihavens.com  
Email: shavens@parisihavens.com  
Email: amoradmand@parisihavens.com

*Attorneys for Plaintiff/Appellee Jesse Meyer*



Dated: February 13, 2012

ROBINS, KAPLAN, MILLER & CIRESI L.L.P.

By: s/Jennifer M. Robbins

Christopher W. Madel  
(MN Reg. No. 230297)

Jennifer M. Robbins  
(MN Reg. No. 387745)

2800 LaSalle Plaza  
800 LaSalle Avenue  
Minneapolis, MN 55402-2015

Telephone: 612-349-8500

Facsimile: 612-339-4181

cwmadel@rkmc.com

jmrobbins@rkmc.com

Edward D. Lodgen (155168)

Julia V. Lee (2524187)

2049 Century Park East, Suite 3400

Los Angeles, California 90067-3208

(310) 552-0130 (telephone)

(310) 229 5800 (facsimile)

*Attorneys for Defendant/Appellant*

*Portfolio Recovery Associates, LLC*