

UNITED STATES JUDICIAL PANEL
on
MULTIDISTRICT LITIGATION

IN RE: CONVERGENT TELEPHONE CONSUMER
PROTECTION ACT (TCPA) LITIGATION

MDL No. 2478

TRANSFER ORDER

Before the Panel:* We are presented with two motions in this docket. First, defendant Convergent Outsourcing, Inc. (Convergent) moves, pursuant to 28 U.S.C. § 1407(c), for transfer of the action pending in the Eastern District of Virginia and listed on Schedule A (*Robinson*) to the District of Connecticut for inclusion in MDL No. 2478. Plaintiff opposes the motion to transfer. Second, the plaintiff in the action pending in the Western District of Pennsylvania and listed on Schedule A (*Tauro*) moves, pursuant to Panel Rule 7.1, to vacate our order that conditionally transferred *Tauro* to MDL No. 2478. Convergent opposes the motion to vacate.

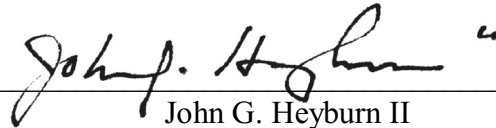
After considering all argument of counsel, we conclude that these actions involve common questions of fact with the actions previously transferred to MDL No. 2478, and that transfer will serve the convenience of the parties and witnesses and promote the just and efficient conduct of this litigation. Both *Robinson* and *Tauro* present similar factual and legal issues as the actions pending in MDL No. 2478—namely, like those actions, plaintiffs allege that Convergent violated the federal Telephone Consumer Protection Act (TCPA), 47 U.S.C. § 227, when it, or its agents, contacted them on their cellular telephones, without prior consent, using an automatic telephone dialing system or an artificial or prerecorded voice. *See In re Convergent Tel. Consumer Prot. Act Litig.*, 981 F. Supp. 2d 1385 (J.P.M.L. 2013). These actions, therefore, will involve similar factual inquiries and discovery with respect to Convergent’s policies and procedures for placing collection calls and for obtaining and recording a consumer’s consent to receive such calls. While both actions involve other claims, such as claims under the Fair Debt Collection Practices Act, Section 1407 does not require a complete identity or even a majority of common factual and legal issues as a prerequisite to transfer. *See In re Satyam Computer Servs., Ltd., Sec. Litig.*, 712 F. Supp. 2d 1381, 1382 (J.P.M.L. 2010).

* Judge Ellen Segal Huvelle took no part in the decision of this matter.

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IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, the actions listed on Schedule A are transferred to the District of Connecticut and, with the consent of that court, assigned to the Honorable Alvin W. Thompson for inclusion in the coordinated or consolidated pretrial proceedings.

PANEL ON MULTIDISTRICT LITIGATION



John G. Heyburn II
Chairman

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

Charles R. Breyer
Sarah S. Vance

**IN RE: CONVERGENT TELEPHONE CONSUMER
PROTECTION ACT (TCPA) LITIGATION**

MDL No. 2478

SCHEDULE A

Western District of Pennsylvania

TAURO v. CONVERGENT OUTSOURCING, INC., C.A. No. 2:14-00761

Eastern District of Virginia

ROBINSON v. CONVERGENT OUTSOURCING, C.A. No. 2:14-00228