

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

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

MDL No. 2295

**REMAND ORDER**

**Before the Panel:**\* Defendant Portfolio Recovery Associates, LLC (Portfolio) in the action (*Mather*) listed on Schedule A moves under Panel Rule 10.2 to vacate our order that conditionally remanded the action from the Southern District of California to the Southern District of Florida. No party responded to the motion.

We initially centralized actions in this litigation arising out of allegations that Portfolio violated the federal Telephone Consumer Protection Act (TCPA) by placing debt collection calls to debtors' cellular telephones using an automated system, without the debtors' consent. *See In re Portfolio Recovery Assoc., LLC, Tel. Consumer Prot. Act. Litig.*, 846 F. Supp. 2d 1380, 1381 (J.P.M.L. 2011). In July 2023, the transferee court granted defendant Portfolio's summary judgment motion regarding the common TCPA claims in the litigation. The court later suggested remand of the pending actions.

After considering the argument of counsel, we find that remand of *Mather* is now appropriate. In opposing remand, Portfolio argues that the action has been dismissed and cites to ECF No. 970, entered March 24, 2023, in the transferee court. That document is an order granting defendant Capital One's<sup>1</sup> motion for voluntary dismissal with prejudice the claims in *Mather* against Capital One, with plaintiff's agreement. The order states, "The *Mather* action shall not be remanded to the transferor court, and this Court shall retain the original files and records unless the transferee judge or the Panel directs otherwise." But *Mather* also asserts claims against Portfolio under the TCPA and the Fair Debt Collection Practices Act (FDCPA). While the transferee court granted summary judgment as to plaintiff's TCPA claim, his FDCPA claim appears to still be pending. The transferee court has determined that remand of *Mather* is appropriate and, despite Portfolio's argument to the contrary, it appears to contain a pending claim.

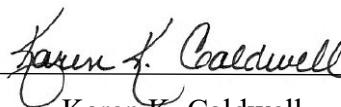
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\* Judge Nathaniel M. Gorton took no part in the decision of this matter.

<sup>1</sup> Capital One Bank (USA), N.A.

IT IS THEREFORE ORDERED that pursuant to 28 U.S.C. § 1407, the action listed on Schedule A is remanded from the Southern District of California to the Southern District of Florida.

PANEL ON MULTIDISTRICT LITIGATION

A handwritten signature in black ink, reading "Karen K. Caldwell", is positioned above a horizontal line.

Karen K. Caldwell  
Chair

Matthew F. Kennelly  
Roger T. Benitez  
Madeline Cox Arleo

David C. Norton  
Dale A. Kimball

**IN RE: PORTFOLIO RECOVERY ASSOCIATES,  
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**SCHEDULE A**

Southern District of California

MATHER v. PORTFOLIO RECOVERY ASSOCIATES, LLC, ET AL.  
C.A. No. 3:16-2924 (S.D. Florida, C.A. No. 0:16-62640)