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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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VERINA FREEMAN and VALECEA  
DIGGS, individually and on  
behalf of all similarly  
situated,

Plaintiffs,

v.

WILSHIRE COMMERCIAL CAPITAL  
L.L.C., a California limited  
liability company, dba  
WILSHIRE CONSUMER CREDIT,

Defendant.

CIV. NO. 2:15-1428 WBS AC

ORDER

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This is a putative class action against defendant  
alleging violations of the Telephone Consumer Protection Act  
("TCPA"), 47 U.S.C. § 227 et seq. A similar action is presently  
pending in the Southern District of California. Banarji v.  
Wilshire Commercial Capital, LLC dba Wilshire Consumer Credit,  
Civ. No. 3:14-2967 BEN KSC (S.D. Cal. filed Dec. 17, 2014)  
("Banarji"). On October 26, 2015, the parties agreed to stay all

1 proceedings in this action, with the exception of certain limited  
2 discovery, pending the resolution of defendant's dispositive  
3 motions in Banarji. (Oct. 30, 2015 Order (Docket No. 19).)

4 On April 11, 2016, this matter came on for a further  
5 scheduling conference to discuss the progress of the Banarji  
6 action. (Docket No. 27.) Brian Kemnitzer appeared as counsel  
7 for plaintiffs and Steven Berardino appeared as counsel for  
8 defendant. Counsel informed the court that class certification  
9 was denied in Banarji and that an interlocutory appeal and motion  
10 to dismiss the appeal were presently pending before the Ninth  
11 Circuit. Counsel represented there is a high likelihood that the  
12 class claims in Banarji will be dismissed. Both parties agreed  
13 that, notwithstanding Banarji, the present action should proceed  
14 in this district.

15 Accordingly, pursuant to the provisions of Federal Rule  
16 of Civil Procedure 16, IT IS HEREBY ORDERED that:

17 (1) the stay ordered in the court's Order of October  
18 30, 2015 (Docket No. 19) is hereby LIFTED;

19 (2) a Status (Pretrial Scheduling) Conference is set  
20 for July 18, 2016 at 1:30 p.m. in Courtroom 5. The parties shall  
21 meet and confer prior to that date; and

22 (3) the parties shall file an updated Joint Status  
23 Report containing the information set forth in this court's  
24 initial Order of July 6, 2015 (Docket No 4) on or before July 5,  
25 2016.

26 IT IS SO ORDERED.

27 Dated: April 12, 2016



28 **WILLIAM B. SHUBB**  
UNITED STATES DISTRICT JUDGE