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21 UNITED STATES DISTRICT COURT  
 22 EASTERN DISTRICT OF CALIFORNIA

23 KINAYA HEWLETT, on Behalf of Herself  
 24 and all Others Similarly Situated,  
 25  
 26 Plaintiff,  
 27  
 28 v.  
 29  
 30 CONSOLIDATED WORLD TRAVEL, INC.  
 31 d/b/a HOLIDAY CRUISE LINE,  
 32  
 33 Defendant.

Case No. 2:16-cv-00713-WBS-AC

**STIPULATION AND ORDER  
 TRANSFERRING ACTION TO THE  
 UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF  
 ILLINOIS**

1 Plaintiff Kinaya Hewlett and Defendant Consolidated World Travel, Inc. (“CWT”), by and  
2 through their undersigned counsel, hereby stipulate and agree as follows:

3 WHEREAS, on April 6, 2016, Plaintiff filed her initial Complaint asserting class action  
4 allegations against CWT for damages and injunctive relief pursuant to the Telephone Consumer  
5 Protection Act, 47 U.S.C. § 227, *et seq.* in the United States District Court, Eastern District of  
6 California.

7 WHEREAS, on June 10, 2016, Plaintiff filed a First Amended Class Action Complaint.

8 WHEREAS, as CWT advised the Court in the Joint Status Report filed on August 5, 2016,  
9 (Dkt. No. 20), CWT believed, based on the similarity of Plaintiff’s allegations and the allegations  
10 asserted against CWT in another putative class action, *Bakov v. Consolidated World Travel, Inc. d/b/a*  
11 *Holiday Cruise Line, et. al*, No. 1:15-cv-02980 (N.D. Ill.), that this case and *Bakov* are related.

12 WHEREAS, the *Bakov* case was initially filed a year earlier, on April 3, 2015. On May 6,  
13 2015, nearly one year before Plaintiff filed this action, a third plaintiff filed a putative class action  
14 asserting similar allegations against CWT, this time again in the Northern District of Illinois. *See*  
15 *Herrera v. Consolidated World Travel, Inc., d/b/a Holiday Cruise Line*, No. 1:15-cv-0430, at D.E. 1  
16 (N.D. Ill.).

17 WHEREAS, the *Herrera* case was consolidated into the *Bakov* case before Judge  
18 Leinenweber, and the Consolidated Class Action Complaint was filed on September 17, 2015 (more  
19 than six months before Plaintiff filed her initial complaint in this action).

20 WHEREAS, in the course of meeting and conferring over discovery issues, the parties in this  
21 action have conferred and have agreed that a transfer of Plaintiff’s action to the Northern District of  
22 Illinois, so that it can be consolidated for all purposes into the *Bakov* action, is appropriate to avoid  
23 duplicative litigation and potentially inconsistent determinations involving seemingly overlapping class  
24 memberships, to further the convenience of the parties and witnesses, and to best serve the interests of  
25 justice.

26 WHEREAS, Plaintiff’s counsel has also conferred with counsel for plaintiffs in *Bakov*  
27 regarding the issues of transfer and consolidation.

1 IT IS HEREBY STIPULATED THAT, given the alleged similarities between the two cases  
2 and that it appears the same underlying conduct is being challenged, the Parties jointly request that the  
3 Court transfer this case to the Northern District of Illinois, pursuant to 28 U.S.C. § 1404(a), so that it  
4 may ultimately be consolidated with the *Bakov* action before Judge Leinenweber. The parties agree  
5 that all outstanding discovery shall remain in effect.

6 Dated: February 3, 2017

7 BURSOR & FISHER, P.A.

GREENSPOON MARDER, P.A.

8  
9 By: /s/ L. Timothy Fisher  
L. Timothy Fisher

/s/ Jeffrey A. Backman

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*Attorneys for Defendant*  
*Consolidated World Travel, Inc.*

24 **IT IS SO ORDERED.**

25 Dated: February 3, 2017

26 

27 WILLIAM B. SHUBB

28 UNITED STATES DISTRICT JUDGE