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13 UNITED STATES DISTRICT COURT  
 14 EASTERN DISTRICT OF CALIFORNIA

15  
 16 MONY SINGH, individually and on behalf of all  
 others similarly situated,

17 Plaintiff,

18 vs.

19 FREEDOM MORTGAGE CORPORATION;  
 20 and DOES 1 through 100, inclusive,

21 Defendant(s).

Case No. 2:20-cv-01676-JAM-CKD

**STIPULATION AND ORDER TO STAY  
 CASE PENDING UNITED STATES  
 SUPREME COURT ACTION [L.R. 143]**

22  
 23 Pursuant to Local Rule 143 of the United States District Court for the Eastern District of  
 24 California, Plaintiff Mony Singh ("Plaintiff"), and Defendant Freedom Mortgage Corporation  
 25 ("Defendant") (collectively, the "Parties") stipulate and respectfully request a stay of all proceedings  
 26 in this case pending the decision of the United States Supreme Court in *Facebook, Inc. v. Duguid*, No.  
 27 19-511, *cert. granted*, 2020 WL 3865252 (July 9, 2020) ("*Duguid*").  
 28

1 **RECITALS**

2 WHEREAS, on August 21, 2020, Plaintiff filed his Complaint against Defendant for alleged  
3 violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227 *et seq.* (“TCPA”) and the  
4 Consumers Legal Remedies Act, California Civil Code § 1750 *et seq.*

5 WHEREAS, in connection with his TCPA claims, Plaintiff alleges that Defendant used an  
6 automatic telephone dialing system (“ATDS”) to place telephone calls to his cellular telephone  
7 number. Compl. ¶¶ 14, 16.

8 WHEREAS, Defendant denies that an ATDS was used to call Plaintiff.

9 WHEREAS, on July 9, 2020, the United States Supreme Court granted certiorari in *Duguid* to  
10 resolve a deep circuit split regarding the interpretation of the term ATDS under the TCPA.  
11 Specifically, it will resolve “[w]hether the definition of ATDS in the TCPA encompasses any device  
12 that can ‘store’ and ‘automatically dial’ telephone numbers, even if the device does not ‘us[e] a random  
13 or sequential number generator.’” Question Presented, *Duguid*, No. 19-511.

14 WHEREAS, on September 4, 2020, Facebook filed its opening brief and the United States  
15 filed a brief in support of Facebook that seeks reversal of the Ninth Circuit’s interpretation of the term  
16 ATDS.

17 WHEREAS, Respondent’s brief is due on October 16, 2020.

18 WHEREAS, the United States Supreme Court has scheduled argument in *Duguid* to take place  
19 on December 8, 2020.

20 WHEREAS, the definition of an ATDS under the TCPA is a central, disputed, and potentially  
21 dispositive issue in this action.

22 WHEREAS, the Parties agree that a stay of all proceedings in this matter is appropriate until  
23 the United States Supreme Court decides *Duguid*.

24 WHEREAS, the proposed stay will be of limited duration with a decision expected to be issued  
25 by the United States Supreme Court in the first quarter of 2021.

26 WHEREAS, the proposed stay will promote judicial economy, avoid unnecessary expense for  
27 the Parties and the Court, and will not prejudice either party.

28 WHEREAS, the proposed stay is for good cause and is not made for an improper purpose.

1 WHEREAS, courts in this district have granted requests for stays in TCPA cases pending  
2 *Duguid*. See *Ajuard v. Portfolio Recovery Assocs., LLC*, No. 18-1130, Dkt. No. 32 (E.D. Cal. Oct.  
3 6, 2020) (Nunley, J.); *Hoffman v. Jelly Belly Candy Co.*, No. 19-1935, Dkt. No. 22 (E.D. Cal. July 17,  
4 2020) (Mendez, J.).<sup>1</sup>

### 5 STIPULATION

6 Based upon the above recitals, the Parties, through their undersigned counsel, hereby stipulate  
7 as follows:

- 8 1. All proceedings in this action are stayed pending the United States Supreme Court's  
9 decision in *Duguid*.
- 10 2. The Parties shall provide the Court with a joint status report within fourteen (14) days  
11 of the United States Supreme Court's decision in *Duguid*.
- 12 3. The stay may be lifted at any time by order of the Court.  
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17 Respectfully submitted,

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18 <sup>1</sup> The Ninth Circuit and numerous other district courts within this circuit have also stayed TCPA  
19 actions pending the Supreme Court's decision in *Duguid*. See *Meier v. Allied Interstate LLC*, No. 20-  
20 55286, Dkt. No. 12 (9th Cir. Aug. 11, 2020); *Lamkin v. Portfolio Recovery Assocs., LLC*, No. 19-  
21 16947, Dkt. No. 45 (9th Cir. Aug. 3, 2020); *Babare v. Sigue Corp.*, No. 20-0894, 2020 U.S. Dist.  
22 LEXIS 180262 (W.D. Wash. Sept. 30, 2020); *Canady v. Bridgecrest Acceptance Corp.*, No. 19-4738,  
23 2020 WL 5249263 (D. Ariz. Sept. 3, 2020); *Veytia v. Portfolio Recovery Assocs.*, No. 20-0341, 2020  
24 U.S. Dist. LEXIS 161588 (S.D. Cal. Sept. 3, 2020); *Jensen v. Roto-Rooter Servs. Co.*, No. 20-0223,  
25 2020 U.S. Dist. LEXIS 151256 (W.D. Wash. Aug. 20, 2020); *Hoagland v. Axos Bank*, No. 19-0750,  
26 2020 U.S. Dist. LEXIS 132831 (S.D. Cal. July 27, 2020); *In re Portfolio Recovery Assocs.*, No. 11-  
27 2295, 2020 U.S. Dist. LEXIS 132312 (S.D. Cal. July 27, 2020); *Rodriguez v. Portfolio Recovery  
28 Assocs.*, No. 19-2266, Dkt. No. 23 (S.D. Cal. July 27, 2020); *Blower v. Portfolio Recovery Assocs.*,  
No. 19-02270, 2020 U.S. Dist. LEXIS 130505 (S.D. Cal. July 23, 2020); *Brickman v. Facebook, Inc.*,  
No. 16-0751, Dkt. No. 129 (N.D. Cal. July 23, 2020); *Whattoff-Hall v. Portfolio Recovery Assocs.*,  
No. 19-02267, 2020 U.S. Dist. LEXIS 130375 (S.D. Cal. July 23, 2020); *Mahnke v. Capital One, NA*,  
No. 20-0545, Dkt. No. 18 (D. Nev. July 21, 2020); *Daniel v. Lennar Corp.*, No. 19-0452, Dkt. No. 45  
(C.D. Cal. July 20, 2020); *Meyers v. Facebook, Inc.*, No. 18-0062, Dkt. No. 57 (N.D. Cal. July 20,  
2020); *May v. Whatsapp, Inc.*, No. 20-0659, Dkt. No. 20 (N.D. Cal. July 15, 2020); *Young v. Bank of  
Am. N.A.*, No. 19-3867, Dkt. No. 31 (N.D. Cal. July 15, 2020); *Rossano v. Fashion Mktg. &  
Merchandising Grp. Inc.*, No. 19-10523, Dkt. No. 31 (C.D. Cal. July 14, 2020); *Sensibaugh v. EF  
Educ. First, Inc.*, No. 20-1068, Dkt. No. 30 (C.D. Cal. July 14, 2020).

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Dated: October 14, 2020

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

By: /s/ Todd M. Friedman  
Todd M. Friedman  
Meghan E. George  
Adrian R. Bacon

*Attorneys for Plaintiff  
Mony Singh*

Dated: October 14, 2020

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Meredith C. Slawe (*pro hac vice*)  
Daniel E. Brewer (*pro hac vice*)

*Attorneys for Defendant  
Freedom Mortgage Corporation*

**ORDER**

**IT IS SO ORDERED.**

DATED: October 15, 2020

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE