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CLERK, U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

BY 

DEPUTY

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

PHYLLIS CALLAHAN, on behalf of herself  
and all others similarly situated in the State of  
California,

Plaintiff,

vs.

VERTRUE INCORPORATED *et al.*,

Defendants.

Case No. 09cv0236 BEN (POR)

**ORDER DENYING MOTION  
FOR A STAY**

Plaintiff Phyllis Callahan commenced this putative class action against Defendants Vertrue Incorporated and Adaptive Marketing LLC in state court, alleging that Defendants participated in a telemarketing scam. After removal to this Court, the parties jointly moved for a stay pending a decision by the United States Judicial Panel on Multidistrict Litigation ("MDL") on a motion to consolidate this action with three other related actions under 28 U.S.C. § 1407. Dkt. No. 14. The parties do not explain why these actions are related. Nor do the parties establish that the MDL Panel will likely transfer this action to another district. As a result, their conclusory assertion that a stay will serve judicial economy is speculative at best. Accordingly, their motion for a stay is denied. *United Steelworkers of Am. v. Retirement Income Plan for Hourly-Rated Employees of ASARCO, Inc.*, 512 F.3d 555, 563 (9th Cir. 2008) (district courts enjoy broad discretion in deciding motions to stay).

IT IS SO ORDERED.

Dated: March 18, 2009

  
Hon. Roger T. Benitez  
United States District Judge