

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

IN RE PORTFOLIO RECOVERY
ASSOCIATES, LLC, TELEPHONE
CONSUMER PROTECTION ACT
LITIGATION

Case No.: 11md02295 JAH-BGS

Member cases:
Harvey Portfolio Recovery Assocs., LLC, 11cv3006 JAH-BGS;
Bartlet v. Portfolio Recovery Assocs., LLC, 11cv3007 JAH-BGS;
Crayder v. Portfolio Reocer Assocs., LLC, 16cv2938 JAH-BGS;
Cutler v. Portfolio Reocer Assocs., LLC, 16cv3076 JAH-BGS

**ORDER GRANTING JOINT
MOTIONS TO DISMISS
[ECF Nos. 997, 998, 999, 1000]**

This cause is before the Court on the Joint Motions to Dismiss with Prejudice the member cases *Karen Harvey on behalf of herself and all others similarly situated v. Portfolio Recovery Associates, LLC*, 3:11-CV-3006-JAH-BGS (“the *Harvey* action”) (ECF No. 998), *Kimberly Bartlett on behalf of herself and all others similarly situated v. Portfolio Recovery Associates, LLC*, 3:11-CV-3007-JAH-BGS (“the *Bartlett* action”) (ECF No. 997), *Stacy Crayder v. Portfolio Recovery Associates, LLC*, 3:16-CV-2938-JAH-


1 BGS (“the *Crayder* action”) (ECF No. 999), and case *Antoine Cutler v. Portfolio Recovery*
2 *Associates, LLC*, 3:16-CV-3076-JAH-BGS (“the *Cutler* action”) (ECF No. 1000), with
3 prejudice and with each party to bear its own costs and attorneys’ fees. On proof made to
4 the satisfaction of the Court, and based on the parties’ stipulations, the Court finds that the
5 *Harvey* action, the *Bartlett* action, the *Crayder* action and the *Cutler* action must be
6 dismissed with prejudice and with each party to bear its own costs and attorneys’ fees.
7 Based on the foregoing, **IT IS HEREBY ORDERED:**

- 8 1. All claims and counterclaims that were or might have been asserted in the
9 *Harvey* action are dismissed, pursuant to Federal Rule of Civil Procedure
10 41(a)(1)(A)(ii), with prejudice and with each party to bear its own costs and
11 attorneys’ fees.
- 12 2. All claims and counterclaims that were or might have been asserted in the
13 *Bartlett* action are dismissed, pursuant to Federal Rule of Civil Procedure
14 41(a)(1)(A)(ii), with prejudice and with each party to bear its own costs and
15 attorneys’ fees.
- 16 3. All claims and counterclaims that were or might have been asserted in the
17 *Crayder* action are dismissed, pursuant to Federal Rule of Civil Procedure
18 41(a)(1)(A)(ii), with prejudice and with each party to bear its own costs and
19 attorneys’ fees.
- 20 4. All claims and counterclaims that were or might have been asserted in the
21 *Cutler* action are dismissed, pursuant to Federal Rule of Civil Procedure
22 41(a)(1)(A)(ii), with prejudice and with each party to bear its own costs and
23 attorneys’ fees.
- 24 5. The Clerk of this Court shall transmit a copy of this Order to the Clerk of the
25 United States Judicial Panel on Multidistrict Litigation. *See* J.P.M.L. Rule
26 10.1 (“Where the transferee district court terminates an action by valid order,
27 including but not limited to summary judgment, judgment of dismissal and
28

1 judgment upon stipulation, the transferee district court clerk shall transmit a
2 copy of that order to the Clerk of the Panel.”).

- 3 6. The *Harvey* action, the *Bartlett* action, the *Crayder* action and the *Cutler*
4 action shall not be remanded to the transferor court, and this Court shall retain
5 the original files and records, unless the transferee judge or the Panel directs
6 otherwise. *Id.*

7 DATED: December 11, 2023

8
9 
10 _____
11 JOHN A. HOUSTON
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28