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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

SEAN HARTRANFT,

Plaintiff,

vs.

ENCORE CAPITAL GROUP, INC., a
Delaware Corporation,

Defendant.

Case No.: 18-cv-1187-BEN (RBB)

**ORDER GRANTING MOTION TO
STAY PROCEEDINGS PENDING
APPEAL IN APPEAL NO. 19-56390**

[Dkt. No. 28]

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After filing this case, Plaintiff moved to intervene in Multidistrict Litigation (“MDL”) proceedings being managed by the Honorable Michael M. Anello in the U.S. District Court for the Southern District of California, Case No. 11-MD-2286-MMA (MDD). Plaintiff’s motion to intervene was denied and Plaintiff appealed. The appeal is now fully briefed and awaiting oral argument before the U.S. Court of Appeals for the Ninth Circuit, Appeal No. 19-56390.

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At the same time, the parties in the MDL proceedings before Judge Anello have asked for a stay pending the decision in a case recently granted certiorari by the U.S. Supreme Court concerning the Telephone Consumer Protection Act (“TCPA”). See *Facebook Inc. v. Duguid*, Supreme Court Dkt. No. 19-511, cert. granted (July 9, 2020). The TCPA is a basis for the Plaintiff’s claims in both the MDL cases and this case.

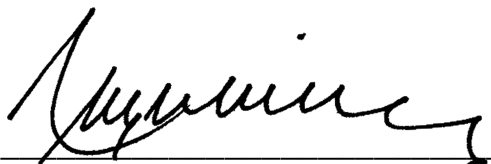
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Courts have broad discretion to stay proceedings incident to their power to control their own docket. *Clinton v. Jones*, 520 U.S. 681, 706 (1997). Stays are

1 often granted when the resolution of another action bears upon the case, because a
2 stay is most “efficient for [the court’s] own docket and the fairest course for the
3 parties[.]” *Leyva v. Certified Grocers of Cal., Ltd.*, 593 F.2d 857, 863 (9th Cir.
4 1979); see also *Landis v. North American Co.*, 299 U.S. 248, 253 (1936) (holding
5 that a stay may be warranted where the resolution of other litigation may “assist in
6 the determination of the questions of law involved.”).

7 To conserve judicial resources and in the exercise of its discretion, the Court
8 hereby GRANTS Plaintiff’s Motion to Stay the immediate action and proceedings until
9 a decision is reached in the Ninth Circuit Appeal No. 19-56390, In re: Sean Hartranft
10 v. Midland Funding, LLC. Counsel for Plaintiff shall notify this Court within seven
11 days of a decision in its appeal. All further proceedings in this case are stayed.

12 DATED: July 30, 2020

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15 Roger T. Benitez
16 United States District Court Judge
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