

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA

Tash v. Vision Service Plan

Tash · No. 2:25-CV-00762-DJC-JDP · Decided July 14, 2025

SUMMARY

This document is an amended stipulated request and order consolidating Brian Tash v. Vision Service Plan and Peter Hahn v. Vision Service Plan in the U.S. District Court for the Eastern District of California. The court designates the Tash case as the master file, administratively closes the Hahn case, and establishes deadlines for a consolidated complaint, defendants’ response, and a joint Rule 26(f) status report. The order was issued by Judge Daniel J. Calabretta on July 14, 2025.

CASE DETAILS

COURT	United States District Court for the Eastern District of California
WRITING FOR THE COURT	Daniel J. Calabretta
DECIDED	July 14, 2025
DOCKET	2:25-CV-00762-DJC-JDP
DISPOSITION	other
PROCEDURAL POSTURE	The parties submitted an amended stipulated request to consolidate two related putative class actions, establish deadlines for a consolidated complaint and defendants' response, and continue or reset case-management deadlines. The court granted the request and entered the proposed consolidation and scheduling order.
STANDARD OF REVIEW	The court applied the discretionary consolidation standard under Federal Rule of Civil Procedure 42(a), weighing the savings in time and effort against potential inconvenience, delay, or expense. It also applied the good-cause standard for extending deadlines under Federal Rule of Civil Procedure 6(b)(1).
PRECEDENTIAL VALUE	unpublished, nonprecedential district-court order

TOPICS

- joinder
- class actions
- civil procedure
- commercial litigation
- medical records privacy

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the related Tash and Hahn actions should be consolidated under Federal Rule of Civil Procedure 42(a).
2. Whether good cause supported extending or resetting case-management and responsive-pleading deadlines under Federal Rule of Civil Procedure 6(b)(1).
3. What filing structure and schedule should govern the consolidated actions.

HOLDINGS

1. The Tash and Hahn actions were consolidated for all purposes because they involved the same defendants, overlapping putative classes, similar claims, and common questions of fact and law, and consolidation would promote efficiency while avoiding duplicative proceedings and inconsistent judgments.
2. Good cause supported the requested schedule because setting deadlines after consolidation would promote efficiency and allow the parties' case-management obligations to be addressed after defendants responded to the consolidated complaint.

KEY QUOTATIONS

“Brian Tash v. Vision Service Plan a/k/a VSP Global et al., Case No. 2:25-CV-00762-DJC-JDP, and Peter Hahn v. Vision Service Plan a/k/a VSP Global et al., Case No. 2:25-cv-01580-DJC-JDP are consolidated for all purposes.” (Order ¶¶ 1, 3-7)

“When multiple actions pending before a court involve common questions of law or fact, the court has “broad discretion” to consolidate the actions and issue any other orders to avoid unnecessary cost or delay.” (Stipulation at 2)

FACTUAL BACKGROUND

Both actions were brought by named plaintiffs on behalf of overlapping putative classes against the same defendants. The complaints assert claims under the Electronic Communications Privacy Act, the California Invasion of Privacy Act, the Confidentiality of Medical Information Act, and California's Unfair Competition Law, based on allegations involving Meta Pixel and other tracking technologies on the same web properties. The parties represented that the cases were at substantially the same stage because defendants had not filed responsive pleadings in either action.

PROCEDURAL HISTORY

Brian Tash filed the lead action on March 6, 2025, and Peter Hahn filed a related action on June 5, 2025. The court determined on June 27, 2025, that the actions were related and reassigned Hahn to the same judge. On July 14, 2025, the court consolidated the actions for all purposes, designated Tash as the master file, administratively closed Hahn, and set deadlines for a consolidated complaint, defendants' response, and a joint Rule 26(f) status report.

DISPOSITION

other

CASES CITED

- Scott v. Cnty. of Kern, 2025 U.S. Dist. LEXIS 106329, at *3 (E.D. Cal. June 4, 2025)
- Garity v. APWU Nat'l Labor Org., 828 F.3d 848, 855-56 (9th Cir. 2016)
- Blount v. Boston Sci. Corp., 2019 WL 3943872, at *2 (E.D. Cal. Aug. 21, 2019)

OPINION

Tash v. Vision Service Plan

PER CURIAM.

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Ventures Management Services, LLC, and VSP Ventures Optometric 9 Solutions, LLC 10

11 UNITED STATES DISTRICT COURT

12 EASTERN DISTRICT OF CALIFORNIA

13 BRIAN TASH on behalf of himself and all CASE 2:25-CV-00762-DJC-JDP others similarly
situated, 14 15 Plaintiff, AMENDED STIPULATED REQUEST FOR

v. ORDER CONSOLIDATING RELATED CASES,

16 TO SET DEADLINES FOR CONSOLIDATED

VISION SERVICE PLAN a/k/a VSP PLEADINGS, AND CONTINUE OR RESET CASE

17 GLOBAL, VSP VENTURES, LLC, VSP MANAGEMENT DATES AND RELATED
VENTURES MANAGEMENT SERVICES, DEADLINES; ORDER

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LLC, and VSP VENTURES OPTOMETRIC

19 SOLUTIONS, LLC,

Assigned to: Judge Daniel J. Calabretta 20 Defendants. 21 PETER HAHN on behalf of himself
and all CASE 2:25-CV-01580-DJC-JDP others similarly situated, 22 23 Plaintiff, v. 24

VISION SERVICE PLAN a/k/a VSP

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GLOBAL, VSP VENTURES, LLC, VSP

26 VENTURES MANAGEMENT SERVICES,

LLC, and VSP VENTURES OPTOMETRIC

27 SOLUTIONS, LLC,

1 Pursuant to Fed. R. Civ. P. 6(b)(1), 42(a), Local Rule 144(a), and section IV of the Court's
Standing Order 2 (ECF No. 3-1), plaintiffs Brian Tash ("Tash"), Peter Hahn ("Hahn"), and
Defendants Vision Service Plan, 3 VSP Ventures, LLC, VSP Ventures Management Services, LLC,
and VSP Ventures Optometric Solutions, 4 LLC ("Defendants") (collectively, the "Parties"), by
and through their respective counsel, stipulate and 5 request that the Court (1) enter an order
consolidating the above-captioned action, Brian Tash v. Vision 6 Service Plan a/k/a VSP Global et
al., Case No. 2:25-CV-00762-DJC-JDP (E.D. Cal. filed Mar. 6, 2025) 7 ("Tash"), with the related
action Peter Hahn v. Vision Service Plan a/k/a VSP Global et al., Case No. 2:25- 8 cv-01580-DJC-
JDP (E.D. Cal. filed June 5, 2025) ("Hahn") reassigned to this Court; (2) enter an order 9 setting
deadlines for the filing of a consolidated Complaint by plaintiffs and subsequent response by 10
Defendants; and (3) continue or reset case management dates and related deadlines. In support of
this 11 stipulated request, the Parties state as follows: 12 Tash filed the Complaint on March 6,
2025. ECF No. 1. 13 Tash served Defendants with a copy of the Complaint on March 24, 2025. 14
On April 7, 2025, the Court granted an extension of Defendants' deadline to respond to the 15
Complaint to June 11, 2025. 16 On June 5, 2025, plaintiff Hahn filed the operative complaint in
Hahn. Hahn, ECF No. 1. 17 Upon learning of the Hahn action on June 6, 2025, the Parties'
counsel promptly conferred on June 18 6, 2025 and June 9, 2025. 19 Defendants filed a notice of
related cases in both Tash and Hahn on June 9, 2025. Tash, ECF No. 20 15; Hahn, ECF No. 4. 21
On June 10, the Court granted a second extension of Defendants' deadline to respond to the 22
Complaint in Tash to July 11, 2025. Tash, ECF No. 17. 23 On June 23, 2025, plaintiff Hahn filed
waivers of service signed by Defendants in Hahn. Hahn, 24 ECF Nos. 5-8. Defendants' deadline to
respond to the operative complaint in Hahn is August 18, 2025. 25 On June 27, 2025, this Court
determined that both Tash and Hahn are related cases, and Hahn was 26 reassigned to this Court.
Tash, ECF No. 18; Hahn, ECF No. 13. 27 On June 27, 2025, counsel for the Parties met and
conferred to discuss seeking consolidation of 1 Tash and Hahn, it would serve the interests of
judicial efficiency to seek an order consolidating the two 2 actions and setting a briefing schedule
for plaintiffs to file a consolidated complaint and for Defendants to 3 respond to the consolidated
complaint. 4 Counsel for Defendants have been retained to represent Defendants in Hahn and
anticipate filing 5 appearances shortly in that action. 6 When multiple actions pending before a
court involve common questions of law or fact, the court 7 has "broad discretion" to consolidate
the actions and issue any other orders to avoid unnecessary cost or 8 delay. Fed. R. Civ. P. 42(a);
Scott v. Cnty. of Kern, 2025 U.S. Dist. LEXIS 106329, at *3 (E.D. Cal. June 9 4, 2025) (citing
Garity v. APWU Nat'l Labor Org., 828 F.3d 848, 855-56 (9th Cir. 2016)). "Typically, 10
consolidation is a favored procedure." Blount v. Boston Sci. Corp., 2019 WL 3943872, at *2 (E.D.
Cal.

11 Aug. 21, 2019). In deciding whether to consolidate actions, the court "weighs the saving of time
and effort

12 consolidation would produce against any inconvenience, delay, or expense that it would cause."

Scott, 2025 14 This stipulation is without waiver of Defendants’ rights to challenge class certification on any basis, 15 including, without limitation, commonality, predominance, and superiority. Nevertheless, the Parties agree 16 and stipulate that the similarities in parties and allegations in both cases warrant consolidation under Fed. 17 R. Civ. P. 42(a) here. The Court has determined that the cases are “related within the meaning of Local 18 Rule 123(a)” because “[b]oth actions involve the common parties, are based on the same or a similar claim, 19 and raise similar questions of fact and law.” Tash, ECF No. 18. Both actions involve the same Defendants, 20 and the named plaintiffs in both actions assert claims on behalf of overlapping putative classes. Compare 21 Tash, ECF No. 1 at 1 & ¶ 157 with Hahn, ECF No. at 1 & ¶ 73. Both actions assert claims for violations 22 of the Electronic Communications Privacy Act, 18 U.S.C. § 2510, et seq., the California Invasion of Privacy 23 Act, Cal. Pen. Code §§ 631(a) and 638.51(a), the Confidentiality of Medical Information Act, Cal. Civ. 24 Code § 56, et seq., and the Unfair Competition Law, Cal. Bus. & Prof. Code § 17200, et seq. Compare 25 Tash, Dkt. 1 ¶¶ 166-215, 228-57 with Hahn, Dkt. 1 ¶¶ 82-144. The named plaintiffs in both actions allege 26 that Defendants used the “Meta Pixel” and other “Tracking Technologies” on the same alleged “Web 27 Properties” to allegedly intercept and/or transmit the named plaintiffs’ internet communications and alleged 1 ECF No. 1 ¶¶ 1-11. 2 The Parties agree that consolidation of Tash and Hahn would reduce the burden on judicial 3 resources and all parties involved, eliminate the risk of inconsistent judgments, and avoid duplicative 4 evidence and procedures. The Parties also believe that consolidation would not cause undue delay, 5 inconvenience, or expense. Defendants have not yet filed a responsive pleading in Tash or Hahn; both Tash 6 and Hahn are therefore at substantially the same stages of litigation. 7 Federal Rule of Civil Procedure 6(b)(1) also allows the Court to extend deadlines for good cause 8 shown. The Parties agree that good cause exists here. The proposed modified briefing schedule will both 9 promote efficiency and conserve the Court’s and the Parties’ resources. Continuing or resetting case 10 management dates set forth in the Court’s initial case management order until after Defendants have 11 responded to the consolidated complaint will further promote efficiency and conserve judicial and party 12 resources, as the issues to be discussed in the parties’ Rule 26(f) discovery plan—including the proposed 13 case schedule, contested issues, and discovery procedures—may be affected by Defendants’ response to 14 the consolidated complaint. The proposed stipulations are not sought to unduly delay the proceedings and 15 will not prejudice any Party. 16 For these reasons, the parties jointly stipulate and request that the Court order the consolidation of 17 Tash and Hahn and enter the following case schedule: 18 19 Deadline for plaintiffs Tash and Hahn to file and August 28, 2025 20 serve a consolidated complaint 21 Deadline for Defendants to respond to the October 6, 2025 (45 days after deadline to file and 22 consolidated complaint serve consolidated complaint) 23 Deadline for the Parties to submit a joint status November 20, 2025 (45 days after deadline for 24 report pursuant to Fed. R. Civ. P. 26(f) and Defendants to respond to the consolidated 25 paragraph 4 of

the Civil Initial Case Management complaint) 26 Order (ECF No. 14) 27 // 1 The Parties respectfully request that this Stipulation be granted by signing the accompanying 2 proposed order. 3 Dated: July 14, 2025 MILBERG COLEMAN BRYSON PHILLIPS 4

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1 ORDER

2 The Court, having considered the stipulation between Plaintiffs Brian Tash and Peter Hahn and 3 Defendants Vision Service Plan, VSP Ventures, LLC, VSP Ventures Management Services, LLC, and VSP 4 Ventures Optometric Solutions, LLC (“VSP”), and for good cause shown, HEREBY ORDERS that: 5 1. Brian Tash v. Vision Service Plan a/k/a VSP Global et al., Case No. 2:25-CV-00762-DJC- 6 JDP, and Peter Hahn v. Vision Service Plan a/k/a VSP Global et al., Case No. 2:25-

cv- 7 01580-DJC-JDP are consolidated for all purposes. 8 2. The case identified as Brian Tash v. Vision Service Plan a/k/a VSP Global et al., Case No. 9 2:23-CV-00762-DJC-JDP, will be designated as the “master file”. 10 3. The Clerk of Court shall add the Complaint filed in the case identified as Peter Hahn v. 11 Vision Service Plan a/k/a VSP Global et al., Case No. 2:25-cv-01580-DJC-JDP to the 12 master file and shall thereafter administratively close Case No. 2:25-cv-01580-DJC-JDP. 13 4. All future pleadings, motions, and other filings shall be filed in the case identified as Brian 14 Tash v. Vision Service Plan a/k/a VSP Global et al., Case No. 2:25-CV-00762-DJC-JDP 15 only. 16 5. Plaintiffs shall file and serve a consolidated complaint on or before August 28, 2025. 17 6. VSP shall answer or otherwise respond to the consolidated complaint on or before October 18 6, 2025. 19 7. The Parties shall submit a joint status report pursuant to Fed. R. Civ. P. 26(f) and paragraph 20 4 of the Civil Initial Case Management Order in the lead case on or before November 20, 21 2025. 22 IT IS SO ORDERED. 23 24 Dated: July 14, 2025 /s/ Daniel J. Calabretta

THE HONORABLE DANIEL J. CALABRETTA

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UNITED STATES DISTRICT JUDGE

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