

**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.

OPINION

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VSP 8 Ventures, LLC, VSP 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 18 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 25 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 GROSSMAN, PLLC 5 By: /s/ Heather Lopez (as authorized on July 8, 2025) 6 John J. Nelson 402 W. Broadway, Suite 1760 7 San Diego, CA 92101 8 Telephone: 858-209-6941 jnelson@milberg.com 9 Heather Lopez 10 148 Dolphin Ct.

American Canyon, CA 94589 11 Telephone: 707-334-3727 12 hlopez@milberg.com 13 Attorneys for Plaintiff Brian Tash 14 Dated: July 14, 2025 GUSTAFSON GLUEK PLLC 15 16 By: /s/ Dennis Stewart (as authorized on July 11, 2025) Dennis Stewart 17 GUSTAFSON GLUEK PLLC 18 600 W. Broadway, Suite 3300 San Diego, CA 92101 19 Telephone: 619-595-3299 20 Daniel C. Hedlund (pro hac vice) Daniel J. Nordin (pro hac vice) 21 Mary M. Nikolai (pro hac vice forthcoming) 22 Bailey Twyman-Metzger (pro hac vice) GUSTAFSON GLUEK PLLC 23 Canadian Pacific Plaza 120 South Sixth Street, Suite 2600 24 Minneapolis, MN 55402 25 Telephone: 612-333-8844 dhedlund@gustafsongluek.com 26 dnordin@gustafsongluek.com mnikolai@gustafsongluek.com 27 btwymanmetzger@gustafsongluek.com 1 Kenneth A. Wexler (pro hac vice forthcoming) Justin N. Boley (pro hac vice forthcoming) 2 Zoran Tasić (pro hac vice forthcoming) Gwyneth F. Lietz (pro hac vice forthcoming) 3 311 S. Wacker Drive, Suite 5450 4 Chicago, IL 60606 Telephone: 312-346-2222 5 Facsimile: 312-346-0022 kaw@wbe-llp.com 6 jnb@wbe-llp.com 7 zt@wbe-llp.com gfl@wbe-llp.com 8 Brett Cebulash (pro hac vice forthcoming) 9 Kevin Landau (pro hac vice forthcoming) Joshua Hall (pro hac vice forthcoming) 10 TAUS, CEBULASH & LANDAU, LLP 11 123 William St., Suite 1900A New York, NY 10038 12 Telephone: 212-931-0704 Facsimile: 212-931-0703 13 bcebulash@tcclaw.com klandau@tcclaw.com 14 jhall@tcclaw.com 15 Attorneys for Plaintiff Peter Hahn 16 17 Dated: July 14, 2025 GREENBERG TRAURIG, LLP 18 By: /s/ Rebekah S. Guyon 19 Rebekah S. Guyon 20 Lori Chang David H. Marenberg 21 1840 Century Park East, 19th Floor Los Angeles, CA 90067 22 Tel: 310-586-7700; Fax: 310-586-7800 Email: Rebekah.Guyon@gtlaw.com 23 ChangL@gtlaw.com 24 MarenbergD@gtlaw.com 25 Attorneys for Defendants Vision Service Plan, VSP Ventures, LLC, VSP Ventures Management Services, LLC, 26 and VSP Ventures Optometric Solutions, LLC 27 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 25 UNITED STATES DISTRICT JUDGE 26 27