

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
PENNSYLVANIA

James E. Shelton v. Freedom Forever, LLC

Shelton v. Freedom Forever · No. No. 24-4333 · Decided March 4, 2025

SUMMARY

The United States District Court for the Eastern District of Pennsylvania granted Freedom Forever, LLC's motion to transfer a putative nationwide class action alleging violations of the Telephone Consumer Protection Act. Applying 28 U.S.C. § 1404(a) and the Jumara factors, the court held that the action could have been brought in the Central District of California and that the private and public interests favored transfer.

CASE DETAILS

COURT	United States District Court for the Eastern District of Pennsylvania
WRITING FOR THE COURT	Gerald J. Pappert
JURISDICTION	United States District Court for the Eastern District of Pennsylvania
DECIDED	March 4, 2025
DOCKET	No. 24-4333
DISPOSITION	transferred
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 12(b)(6) to partially dismiss the complaint or, alternatively, under 28 U.S.C. § 1404(a) to transfer the putative nationwide TCPA class action to the Central District of California. The court granted the transfer motion and did not decide the motion to dismiss.
STANDARD OF REVIEW	A district court has broad discretion in deciding a motion to transfer under 28 U.S.C. § 1404(a). The moving party bears the burden of showing that transfer is appropriate. In evaluating venue-related allegations, well-pleaded allegations are generally accepted as true unless contradicted by affidavits, and the court may consider facts outside the complaint.
PRECEDENTIAL VALUE	unpublished district court memorandum; persuasive value only
PARTIES	James E. Shelton v. Freedom Forever, LLC

TOPICS

venue

class actions

civil procedure

personal jurisdiction

PRACTICE AREAS

civil procedure

Telephone Consumer Protection Act

class actions

venue

QUESTIONS PRESENTED

1. Whether the action could have been brought in the Central District of California for purposes of transfer under 28 U.S.C. § 1404(a).
2. Whether the private and public interest factors, considered collectively, favored transferring the action from the Eastern District of Pennsylvania to the Central District of California.
3. Whether the court should decide Freedom Forever's alternative Rule 12(b)(6) motion after granting transfer.

HOLDINGS

1. The action could have been brought in the Central District of California because Freedom Forever was incorporated and maintained its principal place of business there, making it subject to general personal jurisdiction and rendering venue proper under 28 U.S.C. § 1391(b)(1) and (c)(2).
2. Transfer to the Central District of California was warranted because, considering the relevant private and public interest factors together, the litigation would more conveniently proceed and the interests of justice would be better served there.

KEY QUOTATIONS

“The burden of establishing that transfer is appropriate rests with the moving party.” (Section II)

“Overall, two public interest factors favor transfer and three are neutral. In conjunction with the weight of the private interest factors, Freedom Forever has met its burden of showing that, “all relevant things considered, the case would be better off transferred to” the Central District of California.” (Section IV.B)

FACTUAL BACKGROUND

Shelton alleged that Freedom Forever made sales calls and texts to him in August 2022, May 2024, and June 2024, even though his number was listed on the National Do-Not-Call Registry. He asserted two TCPA claims on behalf of nationwide classes consisting of persons who received multiple sales calls from Freedom Forever either while listed on the Registry or after requesting placement on Freedom Forever's internal do-not-call list. Freedom Forever submitted evidence that it was incorporated and headquartered in Temecula, California, and that relevant policies, practices, records, and personnel were located there.

PROCEDURAL HISTORY

Shelton filed a putative nationwide class action in the Eastern District of Pennsylvania on August 20, 2024, alleging that Freedom Forever made prohibited sales calls and texts to numbers listed on the National Do-Not-Call Registry and to persons who had requested placement on the company's internal do-not-call list. Freedom

Forever moved for partial dismissal or transfer. The court concluded that the action could have been brought in the Central District of California and that the private and public interest factors collectively favored transfer.

DISPOSITION

transferred

CASES CITED

- Weber v. Basic Comfort Inc., 155 F. Supp. 2d 283, 284 (E.D. Pa. 2001)
- Jumara v. State Farm Ins. Co., 55 F.3d 873, 879, 883 (3d Cir. 1995)
- In re United States, 273 F.3d 380, 388 (3d Cir. 2001)
- Connors v. R & S Parts & Servs., Inc., 248 F. Supp. 2d 394, 396 (E.D. Pa. 2003)
- Holiday v. Bally's Park Place, Inc., No. 06-4588, 2007 WL 2600877, at *1 (E.D. Pa. Sept. 7, 2007)
- Daimler AG v. Bauman, 571 U.S. 117, 137 (2014)
- Blanning v. Tisch, 378 F. Supp. 1058, 1060 (E.D. Pa. 1974)
- Shutte v. Armco Steel Corp., 431 F.2d 22, 25 (3d Cir. 1970)
- Koster v. (American) Lumbermens Mut. Casualty Co., 330 U.S. 518, 524 (1947)
- Rauhala v. Greater New York Mut. Ins., Inc., No. 22-1788, 2022 WL 16553383, at *2, *4 (E.D. Pa. Oct. 31, 2022)
- Pierucci v. Homes.com Inc., No. 20-8048, 2020 WL 5439534, at *5 (D. Ariz. Sept. 10, 2020)
- Laguardia v. Designer Brands, Inc., No. 19-1568, 2020 WL 2463385, at *8 (S.D. Cal. May 7, 2020)
- Newman v. Energy, L.P., No. 21-2446, 2023 WL 2914788, at *3 (D. Md. Apr. 12, 2023)
- EVCO Tech. & Dev. Co., LLC v. Precision Shooting Equip., Inc., 379 F. Supp. 2d 728, 730 (E.D. Pa. 2005)
- Cancer Genetics, Inc. v. Kreatech Biotechnology, B.V., No. 07-0273, 2007 WL 4365328, at *5 (D.N.J. Dec. 11, 2007)
- Geraci v. [case citation not provided in opinion]
- LaGuardia v. Designer Brands, Inc., No. 19-1568, 2020 WL 2463385, at *7 (S.D. Cal. May 7, 2020)
- Franklin U.S. Rising Dividends Fund v. Am. Int'l Group, Inc., No. 13-5805, 2014 WL 1555133, at *9 (D.N.J. Apr. 14, 2014)
- Smith v. HireRight Sols., Inc., No. 09-6007, 2010 WL 2270541, at *9 (E.D. Pa. June 7, 2010)
- Tshudy v. Pennsylvania State Univ., No. 22-3336, 2022 WL 4225612, at *4 (E.D. Pa. Sept. 13, 2022)
- Simpson v. J.G. Wentworth Co., No. 22-2911, 2023 WL 349251, at *8 (E.D. Pa. Jan. 19, 2023)
- Stewart v. First Student, Inc., 639 F. Supp. 3d 492, 502 (E.D. Pa. 2022)
- Solomon v. Continental American Life Ins. Co., 472 F.2d 1043, 1048 (3d Cir. 1973)