

SEND

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 12-814 PA (JCGx)	Date	February 10, 2012
Title	Sandi Rush v. Toys 'R' Us - Delaware, Inc., et al.		

Present: The Honorable	PERCY ANDERSON, UNITED STATES DISTRICT JUDGE		
Paul Songco	None	N/A	
Deputy Clerk	Court Reporter	Tape No.	
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:		
None	None		

Proceedings: ORDER TO SHOW CAUSE

The Court is in receipt of the Complaint filed by plaintiff Sandi Rush ("Plaintiff"). Plaintiff has sued defendants Toys 'R' Us - Delaware, Inc. (d/b/a Babies 'R' Us #5672), World of Jeans & Tops (d/b/a Tilly's #15), Brea Union Plaza I, LLC, Brea Union Plaza II, LLC, and Colliers International CA, Inc. for violations of the Americans with Disabilities Act ("ADA") and related state law claims. Although the Complaint list defendants Brea Union Plaza I, LLC, Brea Union Plaza II, LLC, and Colliers International CA, Inc. as defendants in the caption, they are not listed in the "parties" section of the Complaint and there are no allegations or claims alleged against them in the Complaint.

Federal Rule of Civil Procedure 20(a)(2), which allows for permissive joinder, provides that "[p]ersons . . . may be joined in one action as defendants if: (A) any right to relief is asserted against them jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences; and (B) any question of law or fact common to all defendants will arise in the action." See also League to Save Lake Tahoe v. Tahoe Regional Planning Agency, 558 F.2d 914, 917 (9th Cir. 1977). "The first prong, the 'same transaction' requirement, refers to similarity in the factual background of a claim." Coughlin v. Rogers, 130 F.3d 1348, 1350 (9th Cir. 1997).

Based on the factual allegations in the Complaint, it does not appear that Plaintiff's claims against defendants arise out of the same transaction or occurrence, given that defendants Toys 'R' Us - Delaware, Inc. (d/b/a Babies 'R' Us #5672) and World of Jeans & Tops (d/b/a Tilly's #15) appear to operate separate retail establishments and there are no allegations against Brea Union Plaza I, LLC, Brea Union Plaza II, LLC, and Colliers International CA, Inc. The Court therefore orders Plaintiff to show cause in writing, no later than February 21, 2012, why one or more parties should not be dropped from this case for improper joinder. See Fed. R. Civ. P. 18, 20, 21; see also Coughlin, 130 F.3d at 1351 (finding misjoinder where "[e]ach claim raises potentially different issues, and must be viewed in a separate and individual light by the Court").

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In response to this Order to Show Cause, Plaintiff may, if it so chooses, file separate actions against defendants, with new complaints and filing fees.

IT IS SO ORDERED.