UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 14-5632 PSG (VBKx)	Date	August 13, 2014
Title	Robert Alvarado, *et al.* v. City of Los Angeles, *et al.*		

Present:	The Honorable Philip S. Gutierrez, United States District Judge

Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):	Attorneys Present for Defendant(s):
Not Present	Not Present

Proceedings: (In Chambers) Order to Show Cause re: Dismissal for Improper Joinder

Plaintiffs—57 police officers who worked for the Los Angeles Police Department ("LAPD")—filed this suit on July 21, 2014, asserting claims against Defendants the City of Los Angeles and Does 1-10 for violation of the Fair Labor Standards Act ("FLSA"), 29 U.S.C. § 201, *et seq.* Plaintiffs allege that they did not receive overtime compensation they were owed for missed "Code 7" meal breaks, work they performed before and after their scheduled shifts, and time spent on certain time-sensitive tasks. *See Compl.* ¶¶ 23-29.

Plaintiffs were previously part of two opt-in FLSA collective actions that were decertified because the plaintiffs were "not similarly situated with respect to [their] off-the-clock claims." *See May 21, 2014 Order, Alaniz v. City of Los Angeles*, CV 04-8592 GAF (AJWx) (C.D. Cal. May 21, 2014); *May 21, 2014 Order, Mata v. City of Los Angeles*, CV 07-6782 GAF (AJWx); *Compl.* ¶ 11. In light of that decertification, it is not clear to the Court that the joinder of Plaintiffs' claims is appropriate.

Federal Rule of Civil Procedure 20(a)(1) provides that plaintiffs may join together in one case if:

> (A) they assert any right to relief 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 plaintiffs will arise in the action.

Although Plaintiffs have alleged, in a conclusory fashion, that the Rule 20(a)(1) standard is met, *see Compl.* ¶ 5, they have not addressed the contrary discussion in *Alaniz* and *Mata*.

When parties are misjoined, the Court may dismiss the misjoined parties. *See* Fed. R. Civ. P. 21; *Coughlin v. Rogers*, 130 F.3d 1348, 1351 (9th Cir. 1997) ("If the test for permissive joinder is not satisfied . . . the court can generally dismiss all but the first named plaintiff without prejudice."). Accordingly, Plaintiffs are ordered to show cause in writing no later than **September 3, 2014** why the Court should not dismiss all Plaintiffs other than the first-named Plaintiff, Robert Alvarado, due to improper joinder. If Plaintiffs fail to respond by the above date, the Court will **dismiss** the other 56 Plaintiffs, without prejudice.

IT IS SO ORDERED.