

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 17-0468 FMO (DTBx)	Date	March 17, 2017
Title	John Castaneda v. Nationwide Credit, Inc., et al.		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Vanessa Figueroa	None	None	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorney Present for Plaintiff(s):	Attorney Present for Defendant(s):		
None Present	None Present		

Proceedings: (In Chambers) Order to Show Cause re Consolidation of Actions

On September 16, 2016, plaintiff in Castaneda v. Ocwen Loan Servicing, LLC, et al., 16-0735 (C.D. Cal.) ("Ocwen"), filed his First Amended Complaint. (Dkt. 31, "Ocwen Complaint"). The Ocwen Complaint alleges that Ocwen violated the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. §§ 1692, et seq., and the Rosenthal Fair Debt Collection Practices Act ("RFDCPA"), Cal. Civ. Code §§ 1788, et seq., (see id. at ¶¶ 62-77), by wrongly attempting to collect a \$170,817.41 debt that is no longer owing and discharged in bankruptcy. (See id. at ¶¶ 39-40).

On March 13, 2017, the same plaintiff in Castaneda v. Nationwide Credit, Inc., et al., 17-0468 (C.D. Cal.), filed his Complaint. (Dkt. 1, "Nationwide Complaint"). The Nationwide Complaint alleges that Nationwide, acting on behalf of Ocwen, violated the FDCPA and the RFDCPA, (see id. at ¶¶ 16 & 29-43), by wrongly attempting to collect the same \$170,817.41 debt that is no longer owing and discharged in bankruptcy. (See id. at ¶¶ 22-23).

"If actions before the court involve a common question of law or fact, the court may . . . consolidate the actions[.]" Fed. R. Civ. P. 42(a)(2). The court "weighs the saving of time and effort consolidation would produce against any inconvenience, delay, or expense that it would cause." Huene v. United States, 743 F.2d 703, 704 (9th Cir. 1984). "A district court generally has 'broad' discretion to consolidate actions[.]" Pierce v. Cnty. of Orange, 526 F.3d 1190, 1203 (9th Cir.), cert. denied, 555 U.S. 1031 (2008). Accordingly, IT IS ORDERED that by no later than **March 27, 2017**, the parties shall file either a stipulation or response, not to exceed five pages, to show cause why the Ocwen and Nationwide actions should not be consolidated.

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vdr