

1 James D. Emerson, No. 042031

2 **EMERSON · SORENSEN · CHURCH**

3 2520 WEST SHAW LANE, SUITE 102
4 FRESNO, CALIFORNIA 93711-2765
Telephone: (559) 432-7641
Facsimile: (559) 432-7639
www.lawemerson.com

5 Attorneys for Defendants, YOUNG'S COMMERCIAL TRANSFER, INC. and
6 RIGOBERTO FERNANDEZ JIMENEZ, individually and doing business as
7 JIMENEZ TRUCKING

8 UNITED STATES DISTRICT COURT

9 EASTERN DIVISION

10
11 CELIA RAMIREZ,

12 Plaintiff,

13 vs.

14 RIGOBERTO FERNANDEZ JIMENEZ,
15 JIMENEZ TRUCKING, NATIONAL
16 RAILROAD PASSENGER CORPORATION,
17 BARBARA NEU, BNSF RAILWAY
18 COMPANY, YOUNG'S COMMERCIAL
19 TRANSFER, INC., and DOES 1 to 200,
20 Inclusive,

21 Defendants.

Case No. 1:13-CV-02085-AWI-GSA

STIPULATION AND ORDER TO
CONSOLIDATE

COMPLAINT FILED: September 18, 2013

22 NATIONAL RAILROAD PASSENGER
23 CORPORATION,

24 Plaintiff,

25 vs.

26 YOUNG'S COMMERCIAL TRANSFER,
27 INC., a corporation, and RIGOBERTO
28 FERNANDEZ JIMENEZ, an individual,
d/b/a JIMENEZ TRUCKING,

Defendants.

Case No. 1:13-CV-01506-AWI-GSA

COMPLAINT FILED: 09/17/2013

///

1 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
2 above-entitled actions, by their respective counsel, that the actions be consolidated into
3 one action for all purposes.

4 The undersigned hereby jointly apply to the Court for an order Consolidating Action
5 No. 1:13-CV-02085 with Action No. 1:13-cv-01506 and directing that only one judgment be
6 made, that the original of all further papers filed in the above-entitled actions be entitled
7 *Ramirez v. Jimenez*, and filed in Action No. 1:13-CV-02085, and that a copy of such Order
8 be filed in Action No. 1:13-cv-01506, but that no further papers or documents or copies
9 thereof need to be filed in that action.

10 DATED: 9/3/14

REICH LAW FIRM

11
12 By /s/ Jeff Reich
13 Jeff Reich/Shane Reich
Attorney for Plaintiff, CELIA RAMIREZ

14 DATED: 9/3/14

LOMBARDI, LOPER & CONANT, LLP

15
16 By /s/ Kara Alison for
17 B. Clyde Hutchinson
Attorney for Plaintiff, NATIONAL RAILROAD
18 PASSENGER CORPORATION a/k/a/
AMTRAK and
19 Defendants, NATIONAL RAILROAD
PASSENGER CORPORATION aka AMTRAK,
20 BNSF RAILWAY COMPANY and BARBARA
ANN NEU

21 DATED: 9/3/14

EMERSON · SORENSEN · CHURCH

22
23 By /s/ Rayma Church for
24 James D. Emerson
Attorney for Defendants, RIGOBERTO
25 FERNANDEZ JIMENEZ individually and dba
JIMENEZ TRUCKING and YOUNG'S
26 COMMERCIAL TRANSFER, INC.

27
28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Based on the above stipulation and an independent review of the facts, the Court orders consolidation of these cases. Rule 42(a) of the Federal Rules of Civil Procedure provides as follows:

Consolidation. When actions involving a common question of law or fact are pending before the court, it may order a joint hearing or trial of any or all the matters in issue in the actions; it may order all the actions consolidated; and it may make such orders concerning proceedings therein as may tend to avoid unnecessary costs or delay.
Fed. R. Civ. P. 42(a).

The purpose of consolidation under Rule 42(a) is to enhance trial court efficiency by avoiding unnecessary duplication of proceedings and effort. See *Team Enterprises, LLC v. Western Inv. Real Estate Trust*, 2008 WL 4712759 at * 1 (E.D. Cal. Oct. 23, 2008). Consolidation of cases also guards against the risk of inconsistent adjudications. *Id.* The Court has broad discretion to order consolidation of cases pending in the same district. See *Investors Research Co. v. U.S. Dist. Court or Central Dist. of Cal.*, 877 F.2d 777 (9th Cir. 1989).

Here, both actions involve some of the same parties. Similarly, both actions raise essentially the same issues of fact and law as they both involve the same train accident. Consolidation will not only promote judicial efficiency, but it will prevent inconsistent outcomes and is not prejudicial to the parties. As such, consolidation is appropriate.

Based on the above, the Court ORDERS that:

1. The Clerk of the Court is DIRECTED to consolidate *National Railroad Passenger Corporation v. Young's Commercial Transfer Inc., et al.*, Case Number 1:13-CV-1506-AWI-GSA with the related case *Ramirez v. Jimenez, et al.*, Case Number 1:13-CV-2085-AWI-GSA. Insofar as Case Number 1:13-CV-1506-AWI-GSA was the first action filed with the court, it will be considered the lead case. The Clerk of the Court IS DIRECTED to close

1 Case Number 1:13-CV-2085-AWI-GSA. The court will construe the consolidated cases as
2 one action; and

3 2. The parties SHALL IDENTIFY all future pleadings by the case number of
4 the lead case.

5
6 IT IS SO ORDERED.

7 Dated: September 5, 2014

/s/ Gary S. Austin
8 UNITED STATES MAGISTRATE JUDGE

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28