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2 **UNITED STATES DISTRICT COURT**
3 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

4 **ANGEL KEITH TOSCANO, Jr., et al.,**

5 **Plaintiffs,**

6 **v.**

7 **CITY OF FRESNO, et al.,**

8 **Defendants.**

CASE NO.: 1:13-cv-01987-LJO-SKO

**ORDER TO CONSOLIDATE FOR ALL
PURPOSES PURSUANT TO
STIPULATION**

9 **ANTHONY KEITH TOSCANO, et al.,**

10 **Plaintiffs,**

11 **v.**

12 **CITY OF FRESNO, et al.,**

13 **Defendants.**

CASE NO.: 1:14-cv-00186-LJO-SKO

**ORDER TO CONSOLIDATE FOR ALL
PURPOSES PURSUANT TO
STIPULATION**

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16 The parties in the above-captioned cases stipulate to consolidation of these actions, which
17 concern the same or substantially identical facts and claims. Federal Rule of Civil Procedure 42(a)
18 provides:

19 If actions before the court involve a common question of law or fact, the court may:

- 20 (1) join for hearing or trial any or all matters at issue in the actions;
21 (2) consolidate the actions; or
22 (3) issue any other orders to avoid unnecessary cost or delay.

23 The purpose of consolidation is to achieve judicial convenience and economy. *See Johnson v.*
24 *Manhattan Ry. Co.*, 289 U.S. 479, 496-97 (1933). However, consolidation is not meant to “merge the
25 suits into a single cause, [] change the rights of the parties, or make those who are parties in one suit
26 parties in another.” *Id.*; *see also J.G. Link & Co. v. Continental Cas. Co.*, 470 F.2d 1133, 1138 (9th Cir.

1 1972) (“the law is clear that an act of consolidation does not affect any of the substantive rights of the
2 parties”). A district court has broad discretion to determine whether and to what extent consolidation is
3 appropriate. *See In re Consol. Parlodel Litig.*, 182 F.R.D. 441, 444 (D.N.J. 1998). In deciding whether
4 to consolidate, a court should balance the interest of judicial convenience against “any inconvenience,
5 delay, or expense that it would cause.” *Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984); *see*
6 *also Bank of Montreal v. Eagle Assoc.*, 117 F.R.D. 530, 532 (S.D.N.Y. 1987) (court must weigh benefits
7 of consolidation against “the potential for delay, confusion, or prejudice”).

8 The Court finds that consolidation for all purposes will aid both judicial and party efficiency and
9 that consolidation will not cause delay, confusion, or prejudice. Accordingly, the Clerk of Court is
10 directed to consolidate these cases, with the lowest-numbered case, *Angel Keith Toscano, Jr., et al. v.*
11 *City of Fresno, et al.*, **1:13-cv-01987-LJO-SKO**, serving as the lead case. Until further notice, the
12 parties and the Clerk of Court are to file all documents under only the lead case number. Future captions
13 should indicate the lead case number followed by the remaining “member case” numbers as follows:

14 **Lead Case: 1:13-cv-01987-LJO-SKO**
15 **Member Case: 1:14-cv-00186-LJO-SKO**

16 IT IS SO ORDERED.

17 Dated: May 20, 2014

/s/ Lawrence J. O’Neill
UNITED STATES DISTRICT JUDGE