## 1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 RENE MARENTES et al., Case No.: 1:13-cv-02067 AWI JLT Plaintiffs, 12 ORDER TO SHOW CAUSE WHY THE TORRES ACTION SHOULD NOT BE DISMISSED AND 13 v. WHY THE MATTERS SHOULD NOT BE KEY ENERGY SERVICES CALIFORNIA, **CONSOLIDATED** INC., 15 Defendant. 16 ROLANDO TORRES, et al., Case No.: 1:15-cv-00103 AWI JLT 17 Plaintiffs, 18 19 KEY ENERGY SERVICES, LLC, 20 21 Defendant. 22 23 Plaintiffs Rene Marentes and Rolando Torres bring similar class claims against Defendant Key 24 Energy in separate cases of action before this Court: Case No. 1:13-cv-02067 AWI JLT and Case No. 25

Plaintiffs Rene Marentes and Rolando Torres bring similar class claims against Defendant Key Energy in separate cases of action before this Court: Case No. 1:13-cv-02067 AWI JLT and Case No 1:15-cv-00103 AWIJLT. It appears that the class and collective claims raised in the <u>Marentes</u> matter encompass those claims raised in the <u>Torres</u> matter, though Mr. Torres proposes a subclass not set forth, at this time, by Mr. Marentes. Further, the cases involve similar claims and questions of fact.

26

27

28

Notably, both Marentes and Torres seem to seek to represent the same classes of Defendant's current and former employees. Indeed, it appears the <u>Torres</u> matter—in seeking to certify the same class and having been filed much later—appears to duplicate the <u>Marentes</u> matter and should be dismissed. Alternatively, even if Mr. Torres sought to proceed only on his individual claims, it does not appear that this forum is appropriate. In that event, the Court would lack jurisdiction under CAFA and it is not clear that diversity jurisdiction exists.

Therefore, the Court **ORDERS** the parties to show cause in writing, (1) why the <u>Torres</u> action should not be dismissed as duplicative of the <u>Marentes</u> matter, (2) why the matters should not be consolidated for all purposes, including class certification and trial, if the Court determines the <u>Torres</u> matter should not be dismissed. The parties **SHALL** file briefs, limited to 10 pages in length, addressing the issues **no later than March 17, 2015**.

IT IS SO ORDERED.

Dated: February 24, 2015 /s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE