

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

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

COREY LAMAR SMITH, et al.,  
Plaintiffs,  
v.  
ARNOLD SCHWARZENEGGER, et al.,  
Defendants.

Case No. 1:14-cv-00060-LJO-SAB  
ORDER RE: STIPULATION ON  
CONSOLIDATION  
(ECF No. 98)

Pursuant to the stipulation of the parties as follows:

- (1) The Court has ordered that Smith v. Schwarzenegger, Beagle v. Schwarzenegger, Abukar v. Schwarzenegger, and Adams v. Schwarzenegger be consolidated and that Plaintiffs’ counsel file a single consolidated complaint by December 1, 2014. (Order Consolid. Related Cases, ECF No. 82; Order Granting Ext. of Time, ECF No. 91.)
- (2) Plaintiffs’ counsel intends to file similar claims on behalf of inmates who are not parties to the existing consolidated actions.
- (3) Because of the common issues and defendants in the anticipated additional claims, as represented by Plaintiffs’ counsel, the parties believe that the purpose and intent of the Court’s order requiring a single consolidated complaint would be served by permitting Plaintiffs to include additional inmate claimants in their upcoming consolidated complaint that they would have otherwise named in a separate but related lawsuit.

1 (4) Defendants do not waive any defenses to the consolidated complaint, including as  
2 to any statutes of limitations, and any newly added plaintiffs' claims will not relate back to the  
3 earlier-filed pleadings.

4 (5) Based on a hearing held between the parties and Court on September 15, 2014 to  
5 address certain procedural matters, the parties' understanding is that the Court's Order of August  
6 28, 2014 striking the Second Amended Smith Complaint (Case No.1:14-cv-60) and the First  
7 Amended Beagle Complaint (Case No. 1:14-cv-430), as well as the closing of the ECF files for  
8 Abukar (Case No. 1:14-cv-816) and Adams (1:14-cv-1226) were for the purpose of case  
9 administration in order to facilitate the directive to file a consolidated complaint and that the  
10 Court did not intend by its actions to dismiss any cases or alter the limitations period applicable to  
11 these cases by striking pleadings, ordering consolidated complaints or closing ECF files.

12 (6) Defendants shall have thirty days after service of the consolidated complaint to file  
13 their responsive pleading.

14 The stipulation is acknowledged and accepted and so Ordered.

15  
16 IT IS SO ORDERED.

17 Dated: September 24, 2014

  
UNITED STATES MAGISTRATE JUDGE

18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28