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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GEORGE LEWIS,

Plaintiff,

v.

ARNOLD SCHWARZENEGGER, et al.,

Defendants.

Case No. 1:14-cv-0697-LJO-DLB

ORDER CONSOLIDATING ACTION

On October 28, 2014, George Lewis filed this civil rights action pursuant to 42 U.S.C. § 1983 alleging failure to provide medical care in violation of the Eighth Amendment. Plaintiff also filed a notice of related case and request to consolidate this action with Smith v. Schwarzenegger, No. 1:14-cv-00060-LJO-SAB.

The purpose of consolidation is to avoid unnecessary cost or delay where the claims and issues contain common aspects of law or fact. E.E.O.C. v. HBE Corp., 135 F.3d 543, 551 (8th Cir. 1998). In determining whether to consolidate cases, “a court weighs the interest of judicial convenience against the potential for delay, confusion and prejudice caused by consolidation.” Southwest Marine, Inc. v. Triple A Mach. Shop, Inc., 720 F.Supp. 805, 807 (N.D. Cal. 1989).

The discovery issues in these actions for those defendants named in the complaints will be identical in each case. Consolidating these actions will avoid unnecessary costs incurred due to identical discovery and motion practice occurring in separate actions.

Common questions of law and fact appear to exist in these actions.

It is in the interest of judicial economy to avoid duplication by consolidating these actions

1 for all pretrial purposes. Consolidation will conserve judicial resources and the resources of the
2 parties by addressing identical issues in a single case. Resolution of these actions will involve
3 overlapping facts and witnesses as to the claims raised. It serves judicial economy to “avoid the
4 inefficiency of separate trials involving related parties, witnesses, and evidence.” E.E.O.C., 135
5 F.3d at 551.

6 At this point in the litigation, the plaintiffs in Smith have been granted the opportunity to
7 file a consolidated complaint. Plaintiff in this action has not filed an amended complaint and no
8 defendants have appeared in the action. Consolidation of these actions will not cause a delay, but
9 will actually expedite the litigation in this action by allowing Plaintiff to be included in the
10 consolidated complaint which can be addressed by one responsive pleading.

11 There is no risk of confusion due to the consolidation of these actions, as the claims will
12 be identical as to each named defendant. Similarly, the evidence and issues will be the same in
13 each case for each defendant. Finally, the Court can discern no prejudice to any of the parties by
14 consolidating these actions and consolidating these actions will avoid the danger of having
15 inconsistent verdicts in the related cases. The factors considered weigh in favor of consolidating
16 these actions for all purposes.

17 Based on the foregoing, IT IS HEREBY ORDERED that:

- 18 1. The Clerk’s Office is directed to consolidate this action with Smith v.
19 Schwarzenegger, No. 1:14-cv-00060-LJO-SAB; and
- 20 2.. The Clerk’s Office is directed to close the this action.

21 **SO ORDERED**
22 **Dated: October 30, 2014**

23 /s/ Lawrence J. O’Neill
24 **United States District Judge**