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

5
6 **T.A., a minor by and through his guardian
ad litem, MARIA GUERRERO**

7 **Plaintiff,**

8 **v.**

9 **COUNTY OF KERN, and DOES 1 to 100,
Inclusive,**

10 **Defendants.**
11

CASE No. 1:14-cv-00717-LJO-JLT

**ORDER TO CONSOLIDATE FOR ALL
PRETRIAL PURPOSES**

12 **FRANCISCO ARRIETA,**

13 **Plaintiff,**

14 **v.**

15 **COUNTY OF KERN, and DOES 1 to 100,
Inclusive,**

16 **Defendants.**
17

LEAD CASE 1:14-cv-00400-LJO-JLT

**MEMBER CASE: 1:14-cv-00401-LJO-JLT
MEMBER CASE: 1:14-cv-00402-LJO-JLT
MEMBER CASE: 1:14-cv-00403-LJO-JLT
MEMBER CASE: 1:14-cv-00404-LJO-JLT**

**ORDER TO CONSOLIDATE FOR ALL
PRETRIAL PURPOSES**

18
19 Plaintiff T.A., by and through his guardian ad litem, claims to have witnessed a violent encounter
20 on or about May 7, 2013 between unnamed Kern County Sheriff's Department Deputies and an
21 unrelated man. These events were recorded by his grandmother on her cellular phone. Plaintiff claims to
22 have been subjected to unlawful treatment when Deputies attempted to retrieve the phone the next
23 morning at Plaintiff's mother's apartment. These events appear to be identical to events central to the
24 claims of five other plaintiffs, who filed similar cases against the County of Kern on March 21, 2014. In
25 fact, plaintiffs in those cases appear to include Plaintiff T.A.'s mother, grandmother, and maternal aunt.
26 Those cases were consolidated for pretrial purposes on April 28, 2014. No party objected to the

1 consolidation.

2 Federal Rule of Civil Procedure 42(a) provides:

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

4 (1) join for hearing or trial any or all matters at issue in the actions;

5 (2) consolidate the actions; or

6 (3) issue any other orders to avoid unnecessary cost or delay.

7 The purpose of consolidation is to achieve judicial convenience and economy. *See Johnson v.*
8 *Manhattan Ry. Co.*, 289 U.S. 479, 496-97 (1933). However, consolidation is not meant to “merge the
9 suits into a single cause, [] change the rights of the parties, or make those who are parties in one suit
10 parties in another.” *Id.*; *see also J.G. Link & Co. v. Continental Cas. Co.*, 470 F.2d 1133, 1138 (9th Cir.
11 1972) (“the law is clear that an act of consolidation does not affect any of the substantive rights of the
12 parties”). A district court has broad discretion to determine whether and to what extent consolidation is
13 appropriate. *See In re Consol. Parlodel Litig.*, 182 F.R.D. 441, 444 (D.N.J. 1998). In deciding whether
14 to consolidate, a court should balance the interest of judicial convenience against “any inconvenience,
15 delay, or expense that it would cause.” *Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984); *see*
16 *also Bank of Montreal v. Eagle Assoc.*, 117 F.R.D. 530, 532 (S.D.N.Y. 1987) (court must weigh benefits
17 of consolidation against “the potential for delay, confusion, or prejudice”).

18 The Court finds that consolidation for pretrial purposes will aid both judicial and party efficiency
19 and that consolidation will not cause delay, confusion, or prejudice. Accordingly, the Clerk of Court is
20 directed to consolidate this case with *Arrieta v. County of Kern*, **1:14-cv-00400-LJO-JLT**. Until further
21 notice, the parties and the Clerk of Court are to file all documents under only the lead case number.
22 Future captions should indicate the lead case number followed by the remaining “member case
23 numbers” as follows:

24 **Lead Case:** **1:14-cv-00400-LJO-JLT**
25 **Member Cases:** **1:14-cv-00401-LJO-JLT**
1:14-cv-00402-LJO-JLT
1:14-cv-00403-LJO-JLT
26 **1:14-cv-00404-LJO-JLT**

2 Within ten (10) days after the dispositive motions deadline has passed and/or all dispositive motions
3 have been ruled upon, whichever is later, the parties shall file a joint status report addressing whether
4 consolidation should be extended to include trial.

5
6 IT IS SO ORDERED.

7 Dated: May 20, 2014

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