

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DANIEL PHELPS.

Plaintiff,

1:14-cv-523 LJO-GSA

ELIZABETH VAN BIBBER

## Defendant

## ORDER TO CONSOLIDATE CASES

DANIEL PHELPS.

Plaintiff,

1:14-cv-646 LJO-GSA

DANA MICHAEL

## ORDER TO CONSOLIDATE CASES

Plaintiff, Daniel Phelps filed a complaint in case number 1:14-cv-523 LJO-GSA on April 14, 2014, and another complaint in case number 1:14-cv-646 on May 1, 2014. Both of the cases involve

1 allegations against Elizabeth Van Bibber, an insurance agent for Progressive Insurance Company and  
2 contend that she is illegally filing restraining orders against Plaintiff by committing perjury.

3 Federal Rule of Civil Procedure 42 provides that “[i]f actions before the court involve a  
4 common question of law or fact, the court may . . . consolidate the actions. . . .” Fed. R. Civ. P. 42  
5 (a)(2). “The district court has broad discretion under this rule to consolidate cases pending in the  
6 same district.” *Investors Research Co. v. U.S. Dist. Court for Cent. Dist. of California*, 877 F.2d  
7 777 (9th Cir. 1989). In determining whether to consolidate cases, a court should balance the  
8 interest of judicial convenience against “any inconvenience, delay, or expense that it would  
9 cause.” *Huene v. United States*, 743 F. 2d 703, 704 (9<sup>th</sup> Cir. 1984).

10 These actions contain identical allegations involving the same defendant. Therefore, the  
11 Court finds that consolidation will aid in judicial efficiency and that consolidation will not cause  
12 delay, confusion, or prejudice.

13 Accordingly, IT IS HEREBY ORDERED that:

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- 15 1. The Clerk’s Office is directed to consolidate *Phelps v. Van Bibber*, No. 1:14-cv-523-  
16 LJO-GSA and *Phelps v. Bridges*, No. 1:14-cv-646 LJO- GSA;
- 17 2. *Phelps v. Elizabeth Van Bibber*, No. 1:14-cv-523-LJO-GSA shall be designated as the  
18 lead case; and
- 19 3. The parties are instructed to file all documents in *Phelps v. Elizabeth Van Bibber*, No.  
20 1:14-cv-523 LJO-GSA. Documents not filed in the lead case may not be considered.

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24 IT IS SO ORDERED.

25 Dated: June 10, 2014

26 /s/ Gary S. Austin  
27 UNITED STATES MAGISTRATE JUDGE