

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

FRANCISCO ARRIETA, et al.,  
Plaintiffs,  
v.  
COUNTY OF KERN, et al.,  
Defendants.

Case No. 1:15-cv-00706 LJO JLT  
ORDER DENYING MOTION FOR  
RECONSIDERATION  
(Doc. 24)

The Court ordered this matter consolidated with the other related matters in case number 1:14-cv-00400 LJO LJT. (Doc. 21) This occurred on August 21, 2015. That order recognized that this case and “the Early Cases” are in different procedural postures but, nevertheless, noted the ongoing consolidated case deadlines. (Doc. 21 at 5-6) Likewise, the Court recognized that the newly added defendants may have need for discovery that had not yet been adduced. *Id.* at 5 [“Defendants contend that they may need to recall some witnesses from the Early Cases for depositions as well. Opposition at 5. This amount of work does not seem excessive and seems to be within the capabilities of the parties and the magistrate judge to schedule.”] Finally, the order stated, “Until further notice, the parties and the Clerk of Court are to file all documents under **only** the lead case number.” *Id.* at 6, emphasis added.

Despite this explicit instruction, counsel in this case only—not the lead case—filed a joint scheduling report (Doc. 22) as if this case was proceeding separately from the other; it is not.

1 While recognizing that there may be additional discovery to conduct, the procedure for obtaining  
2 permission to do so is via a stipulation **of all parties in the lead case** or by filing a motion amend  
3 the case schedule **in the lead case**.

4         Though the ex parte application raises valid grounds for the need to conduct discovery<sup>1</sup>, it  
5 completely ignores the issues discussed here. Thus, the request is **DENIED**. Counsel may file a  
6 stipulation of all parties to the lead case to amend the case schedule to allow the specific  
7 discovery that is needed or counsel may file a motion to amend the case schedule. However,  
8 counsel **SHALL NOT** file any further pleadings under this case number as explicitly instructed  
9 by the Court.

10 IT IS SO ORDERED.

11  
12 Dated: **October 6, 2015**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27 \_\_\_\_\_  
28 <sup>1</sup> Indeed, the Court is inclined to permit the additional discovery. However, in any future request, counsel SHALL set forth the specific discovery needed, and an expeditious schedule for accomplishing this. No discovery unrelated to the newly added defendants/newly added claims will be permitted.