1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 EASTERN DISTRICT OF CALIFORNIA 10 11 Case No. 1:16-cv-01633-AWI-EPG RALPH O. DUNCAN, 12 ORDER CONSOLIDATING CASES Plaintiff, 13 (ECF No. 16) v. 14 15 EQUIFAX, INC., et al., 16 Defendant. 17 On December 7, 2016, the Court issued an Order to Show Cause in this case requiring the 18 parties to explain why this action should not be consolidated with Yolanda Y. Duncan v. Equifax, 19 Inc., et al., Case No. 1:16-cv-01637-AWI-EPG with the present case, Ralph O. Duncan v. 20 Equifax, Inc., et al., Case No. 1:16-cv-01633-AWI-EPG. The parties were instructed to file 21 responses to the Order to Show Cause no later than December 30, 2016. On December 30, 2016, 22 Defendant Experian Information Solutions, Inc. filed a response to the Order to Show Cause. No 23 other party filed a response, nor did they respond to Experian's requests to stipulate to 24 consolidation. 25 Rule 42(a) of the Federal Rules of Civil Procedure provides as follows: 26 **Consolidation**. If actions before the court involve a common question of law or 27 fact, the court may: 28 (1) join for hearing or trial any or all matters at issue in the actions;

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

The purpose of consolidation under Rule 42(a) is to enhance trial court efficiency by avoiding unnecessary duplication of proceedings and effort. *See Team Enterprises.*, *LLC v. Western Inv. Real Estate Trust*, Case No. 1:08-cv-00872-LJO-SMS, 2008 WL 4712759, at * 1 (E.D. Cal. Oct. 23, 2008). Consolidation of cases also guards against the risk of inconsistent adjudications. *Id.* The Court "has broad discretion under this rule to consolidate cases pending in the same district." *Investors Research Co. v. U.S. Dist. Court for the Central Dist. of Cal.*, 877 F.2d 777, 777 (9th Cir. 1989).

Both actions in this instance were filed under the Fair Credit Reporting Act and contend that the Defendant credit bureaus incorrectly reported a collection account on Plaintiff's credit report. The complaints in the action are identical, allege identical claims against identical defendants, and the plaintiffs in the actions are a married couple. The Court agrees with Defendant Experian that the two cases raise common issues of law and fact and that consolidation is appropriate in this action. No other party has objected to consolidation of these two cases.

Accordingly, the Court orders that:

1. The Clerk of the Court is DIRECTED to consolidate *Ralph O. Duncan v. Equifax*, *Inc.*, *et al.*, Case No. 1:16-cv-01633-AWI-EPG with the case *Yolanda Y. Duncan v. Equifax*, *Inc.*, *et al.*, Case No. 1:16-cv-01637-AWI-EPG. Insofar as Case No. 1:16-cv-01633-AWI-EPG was the first action filed with the court, it will be considered the lead case. The Clerk of the Court is DIRECTED to close Case No. 1:16-cv-01637-AWI-EPG. The court will construe the consolidated cases as one action; and,

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1	2. The parties shall identify all future pleadings by the case number of the lead case,	
2	Case No. 1:16-cv-01633-AWI-EPG.	
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4	IT IS SO ORDERED.	
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6		UNITED STATES MAGISTRATE JUDGE
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