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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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MULTIFAMILY CAPTIVE GROUP,
LLC, A Maryland Corporation;
SAMANTHA GUMENICK, an
Individual,

Plaintiffs,

v.

NO. CIV. S-08-0547 FCD DAD

MEMORANDUM AND ORDER

ASSURANCE RISK MANAGERS,
INC., A Colorado Corporation;
LISA ISOM, an Individual;
NETWORK INSURANCE AGENTS,
INC., a California
Corporation; and CALIFORNIA
APARTMENT ASSOCIATION, a
California Corporation,

Defendants.

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This matter comes before the court on defendant California Apartment Association's ("CAA") motion to bifurcate the claims against it from those pending against defendants Lisa Isom ("Isom") and Assurance Risk Managers ("ARM"). Specifically, defendant CAA seeks separate trials in the matter on the issues

1 of breach of contract and conspiracy. Plaintiffs oppose the
2 motion.

3 Rule 42(b) of the Federal Rules of Civil Procedure
4 provides, in relevant part:

5 For convenience, to avoid prejudice, or to expedite and
6 economize, the court may order a separate trial of one
7 or more separate issues, claims, crossclaims,
8 counterclaims, or third-party claims.

8 "Rule 42(b) merely allows, but does not require a trial court to
9 bifurcate cases." Hangarter v. Provident Life & Accident Ins.
10 Co., 373 F.3d 998, 1021 (9th Cir. 2004). Further, the district
11 court has broad discretion in its decision whether to bifurcate
12 claims or issues. M2 Software, Inc. v. Madacy, 421 F.3d 1073,
13 1088 (9th Cir. 2005).

14 The court has reviewed the submissions of the parties and
15 the arguments raised by defendant CAA in support of bifurcation
16 of the trial. The court does not find that any additional
17 convenience or efficiency is reached by the requested
18 bifurcation. Nor does the court conclude that such bifurcation
19 is necessary to avoid prejudice. Therefore, defendant's motion
20 is DENIED.¹

21 IT IS SO ORDERED.

22 DATED: October 6, 2009.



23 FRANK C. DAMRELL, JR.
24 UNITED STATES DISTRICT JUDGE

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27 ¹ Because oral argument will not be of material
28 assistance, the court orders this matter submitted on the briefs.
E.D. Cal. Local Rule 78-230(h).